

EXETER HARBOUR BOARD

Date: Monday 17 April 2023

Time: 5.30 pm

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

Members are invited to attend the above meeting.

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

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

Membership -

Williams (Chair), Ellis-Jones, Leadbetter, Pearce, Read and Snow

Messrs Adams, Garratt, May, Michaelson, Owen and Sitch

Agenda

1 Apologies

2 Minutes

(Pages 5 -
8)

To approve the minutes of the Exeter Harbour Board meeting held on 15 December 2022.

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 Corporate Manager Democratic and Civic support via the 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 Wednesday 12 April 2023.

6 **Exeter Port Users Group Update**

To receive a verbal update from the Chair of the Exeter Port Users Group (EPUG) – Rex Frost.

7 **Harbour Master's Report**

(Pages 9 -
10)

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

8 **Harbour Board Visioning Event Review**

(Pages 11
- 12)

To discuss the outcome of the Visioning event and review the actions. (Grahame Forshaw)

9 **Harbour Revision Order Update**

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

10 **Harbour Board Appointment**

(Pages 13
- 14)

To discuss the appointment process. (Draft advertisement attached)

Date of Next Meeting

The next scheduled meeting of the Exeter Harbour Board to be confirmed.

Follow us:

www.twitter.com/ExeterCouncil

www.facebook.com/ExeterCityCouncil

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265115.

EXETER HARBOUR BOARD

Thursday 15 December 2022

Present:-

Councillor Ruth Williams (Chair)
Councillors Ellis-Jones, Leadbetter, Pearce, Read, Snow and Messrs Garratt, May
Michaelson and Sitch

Apologies

Messrs Eggleton and Adams

Also Present

Harbour Master Exeter Port Authority (GF), Harbour Patroller (NS) and Democratic Services Officer (SLS)

Tom Epton and Eliot Wright - Topsham River Commissioners
Lara Moore and Tommy Fox - Ashfords Solicitors

25

MINUTES

The minutes of the meeting held on 26 October 2022 be taken as read and signed by the Chair as a correct record, subject to the inclusion of noting apologies received from Andrew May.

26

DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

27

PUBLIC QUESTIONS

No public questions were received.

28

EXETER PORT USERS GROUP UPDATE

Mr Frost, Chair of Exeter Port Users Group (EPUG) was unable to be at the meeting. He would present an update to the next meeting in March.

29

TOPSHAM RIVER COMMISSIONERS - PRESENTATION

Tom Epton, Clerk to the Topsham River Commissioners for the Port of Exeter attended along with fellow representative, Mr Eliot Wright and provided an overview of the Commissioner's function. The presentation included a detailed history of the Estuary. He referred to the key legislation of the Exeter Port Dues Act 1840, which provided for four Topsham River Commissioners to be elected at their Annual General Meeting by Topsham inhabitants and vessel owners, to serve together with three Councillors nominated by Exeter City Council. Up until 1840, the management of the whole Estuary was through the Chamber's Navigation Committee, as well as under the authority of an earlier 1539 Statute. The Topsham River Commissioners was created to fulfil two main purposes and obligations which were imposed on them, thereby relieving the Navigation Committee of the Council of its previous responsibilities. They were in brief to establish the equalisation of Port Dues between Exeter and Topsham Quays and to maintain the navigation through the channel from the Topsham Lock down to Turf Pool.

Mr Epton suggested some areas of future interest for the Harbour Board might be

dredging of the navigation channel between Topsham Lock and Turf; the future of Topsham North Quay and whether Topsham Lock should be restored along with some consideration of how it might be used in the future. He also wished to offer their support in promoting a Harbour Revision Order to bring the governance arrangements up to date, even though any enactment of the Statutory Instrument would mean a cessation of the Commissioners.

In conclusion of the presentation, the number of their recent achievements included the funding of seven navigational aids marking the main channel at Topsham as well as ongoing support for the Harbourmaster in his wide brief to care for the city's waterways.

The Chair thanked both representatives of the Topsham River Commissioners for their excellent presentation. A copy of their detailed history would be made available to Board Members as a useful background information resource.

30

HARBOUR MASTER'S REPORT

The Harbour Master provided an update on the circulated report. The team were awaiting the Environment Agency to grant a licence for the contractor to carry out work dismantling the former fishing trawler which was now being stored on the quayside. Network Rail had commented on the proposed road closure, which included the access road serving the construction of new railway station at Marsh Barton. In responding to Board Members' comments, he explained that equipment and associated works would necessitate the road being closed for safety reasons. The vessel would continue to be monitored by the waterways team including over the Christmas break. Contact had not yet been made with the owner of the trawler and the matter would be pursued through the appropriate Council departments. He also confirmed that all boat owners were requested to present their insurance details. The team had begun to focus on the condition of two other boats in the canal basin.

Other activities included viewing a potential workboat/patrol boat for charter, along with consideration of the fit out options. They hoped to start trials towards the end of February. The Harbour Patroller advised that work was also still being undertaken with Exeter University regarding alternative power trains and vessels, including some negotiations over the use of a suitable facility to carry out the project work which is anticipated will be by autumn of 2023. The team had been joined by a student from Plymouth University and were looking at a project to develop a sufficient power source to offer electric charging points for vessels. The feasibility study would consider a floating pontoon with a bank of batteries powered by the tidal flow and wind, and an update would be made at the next meeting. He also responded to a Member's comment regarding the use of hydrogen power in small craft as a future case study. The Council's Net Zero team have been liaising with the waterways team to look at how they could reduce their emissions internally as a contribution towards the Council's Net Zero ambitions.

The Harbour Master also provided a response on the progress of the repair of the Bascule bridge over the canal. Communications with the engineers at DCC have been on-going, at the time of writing there is still no fixed date for the final repairs to the mechanical workings.

Members noted the report.

OUTLINE OF HARBOUR REVIEW ORDER PROCESS

Lara Moore and Tommy Fox from the Marine and Transport Team at Ashford's Solicitors attended the meeting. Ms Moore referred to her experience in working with ports and statutory harbour authorities around the country, and thanked the Board for the invitation to offer some background to the Harbour Revision Order (HRO) process including the cost and timescale.

The process will include:-

- drafting the HRO document and statement in support;
- local consultation with key stakeholders over a 28 day period (including individual sessions) to offer an initial opportunity to ask questions;
- an update of the HRO following any feedback from the initial contact with local stakeholders;
- an application is submitted to the Marine Management Organisation (MMO) following a set fee structure. Following a review of the documents, a validation of the order will take place over a four to six week period;
- two local public notices and one national advertisement must be made;
- there will be a 42 day consultation period.

A HRO Core test is required by the MMO who has to be '*Satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships*'

The determination and timescale includes a resolution of any concerns raised. The MMO will then either determine the HRO, or call a Public enquiry. There is a laying of the HRO in Parliament and publication of the HRO Decision Notices. The anticipated timescale is between 18 months and two years.

The potential provisions for inclusion in any HRO are set out below:-

- areas of jurisdiction,
- general functions and priorities,
- application of finance, reserve fund and borrowing,
- general directions, special directions and byelaws,
- other charges,
- charges other than ship, passenger and goods dues,
- advisory bodies,
- development of land and commercial activities,
- disposal of land,
- power to delegate function,
- moorings,
- works and dredging,
- repair and maintenance of structures
- aids to navigation.
- parking places and related facilities,
- bunkering (process of supplying fuel for a ship)
- wrecks, unseaworthy vessels and obstructions,
- repeal, revocation and amendments.

Ms Moore responded to the following Board Member's comments and stated that direction in respect of access points to the river, below high water, was not

required; the Ports Good Governance Guide offered suggestions on ring fencing of funds, and in relation to a break-even position for any Harbour.

The Chair thanked Ms Moore and Mr Fox for attending and for the informative presentation.

32

VISIONING DAY DISCUSSION

Members confirmed the date of the Visioning Day event as 4 February 2023 and considered topics to be covered, which would include a review of the aims and activities of the Board. Following a brief discussion on opening up the attendance at the event, it was considered appropriate that this targeted event should just be for Board Members.

An update on the outcomes from the event would be reported to the next meeting of the Board.

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair

DRAFT

Report from the Harbour Master to the Harbour Board 17 April 2023

Since the last meeting of the Harbour Board the Waterways team have been carrying out maintenance task, essential training courses and preparation work for the start of the new season.

Exeter Ship Canal

Unfortunately at the time of writing the Bascule bridge is still not back in operational use. Hopefully at the forthcoming meeting there will be a positive update.

The swing bridge has had maintenance work done and is now operational once more.

Limited canal bank repairs have been carried out downstream of the M5 Motorway bridge on the east side.

A limited amount of vegetation cutting back was carried out in January and early February.

The MV Johnny Eager has now been broken up and removed from Gabriel's Wharf by a specialist contractor. The work was done over two days without incident. A final invoice for the whole of the associated works related to the lift, clean-up and disposal of the vessel has been raised and sent to the owner.

The Turf lock inner gates are leaking badly on the timber mitre seal. We are in communication with a specialist contractor from Appledore shipyard to carry out repairs to the seal.

The salmon Smolt net is now in position at the Kings Arm's gates.

The invitation to tender document for the Topsham Quay boat storage agreement has been written and is due to be promulgated from the Civic Centre.

A small dredging programme at the King's Arms gates was started in early March but unfortunately had to stop due to complaints about moving silt into low river levels. An alternative method of dredging this section of the canal has been found. A dredger called the MV MANIN has been purchased by the owners of Exmouth Dock Company and we are discussing with them potentially chartering the vessel to move dredged material out to sea. We would have to make an application to the Marine Management Organisation for a licence to carry out this work.

Buoy Store team

Navigation aids have been checked by the inspector from Trinity House and found to be in order.

Commercial moorings servicing work started in late February, this work will go on now until mid-May.

A survey of the approaches to the channel leading in to the river has been done, the results will be sent out to the Port User Groups and other interested parties if requested. A full study of the survey has not yet been done but the initial reports show no significant change in the approaches but in the area of the Bight, the sands from Bull Hill bank have spread well to the west, which has an impact on the width of the navigation channel leading up river. The Lower Exe Moorings Association have been informed of this and we will be working together to see which licenced moorings may have to be moved to keep the channel clear of obstructions.

The Exe Estuary Management Partnership have commissioned a full Light Detection and Ranging (LIDAR) survey of the river to show in detail the areas of sand/mud bank shift. That survey will be done shortly and the information will be publicly available. The Partnership have also recently started a silt survey in the upper reaches of the river.

The replacement workboat has been ordered in place of the aging Dory, the patrol craft City of Exeter is due to be changed for a more suitable rigid inflatable boat (RIB) for use in the river and the moorings barge which we hope to charter to replace the 'Can-Doo' will be available from early May.

The Harbour Patrol team attended a one-day course dealing with gathering evidence for potential prosecutions on the water.

Harbour Revision Order

There have had two meetings with Ashfords Solicitors LLP to commence the process to create the application to the Marine Management Organisation.

A meeting was held last week with Ashfords, attended by the Chair of the Harbour Board, David Bartram (Director) Baan AL-Khafaji (Corporate Services Director) and Simon Copper (Service Lead-legal services) to receive an overview of the HRO process and to discuss the Premises Plan that will need to be created.

Grahame Forshaw
Harbour Master
April 2023

Draft Revisions of Actions from Visioning Day February 4th 2023

Vision Statement

To be a safe, friendly and financially sustainable eco-harbour which contributes positively to the wellbeing of residents and visitors, the local economy whilst maintaining the character, beauty and leisure potential of the River Exe and Exeter Ship Canal.

Mission Statement

To operate a safe, efficient and sustainable modern eco-harbour that enhances the character of the Exe Estuary and Exeter Ship Canal and meets the needs and expectations of the 21st century harbour users and is an asset to local communities.

Actions from 2023

1. Officers to progress the application for the Harbour Revision Order recognised as fundamental to enable PMSC compliance.
2. Officers to identify funding and progress the appointment of a Designated Person.
3. Officers to identify options to deliver a Safety Management System.
4. Officers to provide clarity on the relationship between Exeter City Council Executive and the Harbour Board.
5. Officers to provide clarity on the 'duty holder' responsibility of the Board.
6. Officers and Chair to carry out a selection process to fill any Harbour Board vacancies, including those arising from expiry of current terms of office. Due consideration to be given to appointments addressing gaps in appropriate skills and experience.
7. Officers and Chair to develop a communications strategy to disseminate and improve transparency of the activities of The Board, particularly regarding the HRO process, and promoting the Harbour.

Core Values

- a) We will take responsibility for marine safety.
- b) We will encourage access and promote active and healthy lifestyles on and surrounding the Port waterways, from the Canal to Exmouth, and promote the value of the Harbour to the City's culture and economy
- c) We will lead on environmental stewardship of the Port whilst working towards the Net Zero Exeter 2030 Plan, and aim to develop a Port-specific Net Zero Plan
- d) We will take stakeholder engagement seriously.
- e) We will provide value-for-money services despite continuing central government budget reductions
- f) We will enact good governance and act with integrity.

Key Objectives

- a) Achieve Port Marine Safety Code compliance.
- b) Promote use of the Harbour including the waterways and Canal.

- c) Become financially self-sustainable.
- d) Maintain and enhance the 'green infrastructure' that forms the Harbour, addressing environmental and Net Zero aspects.

PORT OF EXETER

VACANCIES FOR 2 x EXTERNAL HARBOUR BOARD MEMBERS

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.

Our Harbour Board sits within the existing committee structure of Exeter City Council. The Board consists of six internal appointments (Exeter City Council Members) and six external representatives who are appointed for a period of 3 years. The Board reports directly to the Council Executive.

The Harbour Board is responsible for the management of the Port of Exeter and will meet at least every three months. The Board's duties include monitoring compliance with the Port Marine Safety Code, consulting harbour users and other stakeholders and being involved in the preparation for an application for a Harbour Revision Order.

Board members use their skills and experience for the long-term benefit of the Port and must be committed to working in its best interests rather than for any particular stakeholder group.

Harbour Board membership is voluntary and undertaken on an expenses only basis.

External applicants should, ideally, be familiar with the workings of a harbour and its operational environment. It is highly desirable that they either have a Master Mariner qualification (or equivalent) or qualifications in administration and/or financial management. They should also have a broad experience in two or more of the following fields:

- Management of harbours
- Business development
- Recreational boating
- Legal
- Commercial operations
- The local community and community development
- Health & safety
- Tourism and leisure
- Marine archaeology and heritage
- Environmental management

Interested applicants with the relevant background should provide a written submission, evidencing their suitability for the role to grahame.forshaw@exeter.gov.uk by *Date TBC*.

For an informal chat about the role please ring Grahame Forshaw, Harbour Master, Exeter Port Authority on x.

This page is intentionally left blank