

EXETER HARBOUR BOARD

Date: Thursday 12 December 2024

Time: 5.30 pm

Venue: Guildhall, High Street, Exeter

Members are invited to attend the above meeting.

If you have an enquiry regarding any items on this agenda, please contact Pierre Doutreligne, Democratic Services Officer (Committees) on 01392 265486.

Membership -

Williams, R (Chair), Read, Rolstone, Sheridan, Snow and Williams, M
Eggleton, A Garratt, J Green, Lt Col D Marino, J Prescott and C Seddon

Agenda

1 Apologies

2 Minutes

(Pages 3 -
6)

To approve the minutes of the Exeter Harbour Board meeting held on 5 September 2024.

3 Declarations of Interest

4 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".

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 Democratic Services via committee.services@exeter.gov.uk 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 9 December 2024.

6 **Chair's Announcements** (Verbal)

7 **Exeter Port User Group update** (Verbal)

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

8 **Selection and Appointment of Exeter Harbour Designated Person** (Pages 7 - 14)

9 **Harbour Revision Order** (Verbal)

10 **Harbour Master's Report** (Pages 15 - 22)

To receive a quarterly report from the Harbour Master

11 **Marine Safety Plan - Management Objectives** (Pages 23 - 26)

12 **Waterways - Financial Information** (Pages 27 - 32)

For information only

Date of Next Meeting

The next scheduled meeting of the Exeter Harbour Board will be held on Monday 17 March 2025 at 5.30 pm in the Civic Centre.

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

EXETER HARBOUR BOARD

Thursday 5 September 2024

Present:-

Councillor Williams, R (Chair)

Councillors Read, Rolstone, Snow and Williams, M

A Garratt, J Green, Lt Col D Marino, J Prescott and C Seddon

Apologies

R Eggleton

Also Present

Harbour Master Exeter Port Authority, Waterways Team Manager, Harbour Patroller and Democratic Services Officer (PMD)

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MINUTES

The minutes of the meeting held on 13 June 2024 were taken as read and signed by the Chair as correct, with one minor amendment to Minute No. 82.

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DECLARATIONS OF INTEREST

No declarations of pecuniary interest were made.

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PUBLIC QUESTIONS

The Chair advised that no public question had been received.

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CHAIR'S ANNOUNCEMENTS

External Members' Profiles on the Website

The Chair thanked the Board's external members for submitting short biographies and thumbnail pictures as requested at the previous meeting. She advised that she would ensure that no personal information is published on the website.

Terms of Reference

The Chair also thanked Board members for their comments on the updated Terms of Reference and informed that she would be discussing these with the Interim Director of Environment, Waste and Operations.

Duty Holder Training

The Chair announced that there were still spaces available for the forthcoming Duty Holder training session at the Civic Centre and that, for those unable to make it, online training could be booked.

Visioning Day 2025

The Chair suggested the date of 1 February 2025 for the next Visioning Day and gave new Board members a summary of what Visioning Day entailed.

Finally, she advised that more opportunities would be arranged for Councillors to go out on the water.

EXETER PORT USER GROUP UPDATE

The Chair circulated the report of the Chair of the Exeter Port User Group (EPUG) and informed the Board that Mr Frost was unable to attend the present meeting.

The Harbour Master noted a couple of factual inaccuracies in the document, particularly around the delay to the Harbour Revision Order. He clarified that:-

- the delay was not a result of the three informal consultation sessions; and
- the informal consultation sessions had taken place despite legal advice received that there was no requirement for this.

Responding to a query from a Member, he explained that water quality was an issue for the Environment Agency and South West Water.

Members noted the document as well as the aforementioned factual inaccuracies.

DESIGNATED PERSON ROLE FOR THE EXETER PORT AUTHORITY

The Chair thanked Members to their contributions to and comments on the job ad for the position of Designated Person role for Exeter Port Authority. The Harbour Master made particular reference to:-

- the involvement of four consultants and one company in the recruitment process;
- the closing date of 23 September 2024; and
- how, so far, two people had responded positively.

HARBOUR REVISION ORDER UPDATE

The Harbour Master gave Members a Harbour Revision Order (HRO) update as follows:-

- there were four port authorities ahead of Exeter awaiting the HRO;
- he was in regular contact with legal experts on how to speed up the process but their scope was limited;
- work was ongoing with Ashfords regarding rewriting byelaws; and
- formal consultation adverts would have to be prepared for publication in local newspapers and on the website.

He replied to Members' questions as follows:-

- Ashfords could not reasonably apply more pressure on the Department for Transport;
- the "multiple complicated questions" mentioned in the EPUG report discussed earlier were in fact relatively generic and the responses were available on the Exeter Port Authority website;
- the application for the HRO had been submitted before any fee increase could be applied.

HARBOUR MASTER'S REPORT

The Harbour Master introduced his report remarking that local media outlets had been reporting about recent wild swimming incidents and commented that only a fraction of what actually happens on our waterways usually got reported on. As an example, he told Members how, on the morning of the meeting alone, he had

received two phone calls about boats breaking down and floating. The Chair added that, while on the water with the Harbour Master recently, she had witnessed numerous infractions such as speeding or not having life jackets.

During discussion, Members and officers commented on:-

- the possibility of making the RHIB visible;
- how Plymouth had a moorings officer but would not pay for a boat;
- the need for volunteers to be recognised; and
- the need for the figures in the Harbour Master's report to be publicised.

The Harbour Patroller took an action to publicise the figures and salient points from the Harbour Master's report.

On the issue of wild swimming, a Member felt that:-

- people swimming in the canal took water quality at their own risk;
- swimming was always going to happen, and banning it was the wrong mindset; and
- instead, making swimming safe would demonstrate a more positive approach.

The Waterways Team Manager responded to the Member making particular reference to:-

- the numerous cases of anti-social behaviour linked to wild swimming (sometimes necessitating patrols);
- the Double Locks ferry running every half hour along the canal; and
- the Authority's duty of care, especially in absence of a lifeguarded area.

Both the Chair and the Waterways Team Manager agreed, however, that wild swimming would make a good topic for the next visioning day.

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PORT MARINE SAFETY CODE AND SAFETY IN DOCKS - UPDATE

The Harbour Master advised that the Gap Analysis report had come back and that he and the Waterways Team had begun addressing the 27 points identified but added that some relied on Exeter having the Harbour Revision Order. He updated Members on the following:-

- Standard Operating Procedures (SOP) and Dynamic Risk Assessment: work had started on these;
- KPIs: clarity was needed about which indicators merited inclusion;
- Towage Guidelines: this had never been done in the Exe before; and
- Pilotage: it was still being assessed whether Exeter was a Statutory or Competent Harbour Authority.

The Chair called for progress against the 27 points to be monitored and suggested adding a column to the table.

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STATUTORY HARBOUR AUTHORITY STATEMENT OF ACCOUNT AND 2024-25 FEES & CHARGES

Addressing a query from a Member about the significant drop in income figures between 2021-22 and 2022-23, the Harbour Master explained that there had been an incorrect accrual which created an anomaly between the two financial years, but there had also been an underlying £69k reduction in income in 2022-23 compared with 2021-22 across sales and rent income streams.

A Member felt that the Board should actively discuss new ways of generating income, such as restaurant boats, rack storage and live-aboards. The Chair thought this, too, would make a good topic for the next visioning day. The Waterways Team Manager, however, warned that, if such a conversation was left until February, the opportunity would be missed to capitalise on good income generation ideas in time for next summer.

The Chair took an action to write to all Members before the end of September to seek their views on income generation.

(The meeting commenced at 6.00 pm and closed at 6.49 pm)

Chair

REPORT TO EXECUTIVE

Date of Meeting: 3 December 2024

Report of: Interim Director of Environment Waste and Operations

Title: Selection and Appointment of Exeter Harbour Designated Person

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Executive

1. What is the report about?

1.1 This report outlines the selection process taken to identify individuals with suitable knowledge and understanding to serve as the 'Designated Person' (DP) to the Exeter Harbour Duty Holder and recommends the appointment of James Hannon, Associate Maritime Consultant as the Designated Person to the Harbour Duty Holder.

1.2 The Scope of the Designated Person role is to:

- Provide a Designated Person service, including a point of contact for staff and harbour stakeholders to raise concerns.
- To carry out an Annual 'in person' Port Marine Safety Code audit.
- To provide an Annual report to the Duty Holder on Port Marine Safety

1.3 Harbour Duty Holders must appoint a DP to provide independent assurance on the efficacy and operation of the ports marine safety system, in accordance with the Port Marine Safety Code (the Code).

2. Recommendations:

2.1 That Executive appoint James Hannon, Associate Maritime Consultant, as the Designated Person to the role of Harbour Duty Holder.

3. Reasons for the recommendation:

3.1 The Duty Holder has the responsibility for selecting and appointing the DP.

3.2 The Duty Holder has delegated the selection process to the Harbour Master in consultation with the Portfolio Holder for City Management and Chair of Harbour Board, ensuring the process is compliant with council procurement policy, and that the DP selection criteria is in accordance with the Code.

3.3 After an invitation to provide quotations for DP services, two applications were received. Both applicants were highly competent and Code compliant in respect of the skills and experience they offered. The most competitive and experienced was James Hannon (ABPmer) resulting in the recommendation.

4. What are the resource implications including non financial resources

4.1 Non-financial resources will be supplied by the DP.

4.2 Table 1. provides the fixed one-year price for the DP service exclusive of VAT

| Item Description | Cost |
|---|--------|
| Designated Persons Service | £900 |
| One onsite audit and audit report | £4,900 |
| Annual DP presentation to the Duty Holder | £600 |
| Annual Total | £6,400 |

4.3 The contract period is limited to two-years and so the total contract value is expected to remain below £25,000. At value below £25,000 a direct supplier approach and two quotes is compliant with ECC procurement and contract procedures.

4.4 The initial two-year period is fully funded by the existing Waterways budget.

5. Section 151 Officer comments:

5.1 As the funding required is covered by existing budgets, there are no additional financial implications for Council to consider.

6. What are the legal aspects?

6.1 A harbour is defined by the Harbours Act 1964 as any natural or artificial harbour, any port, haven, estuary, tidal or other river or inland waterway navigated by sea going ships. Harbour authorities are responsible for the management and running of the harbour.

6.2 Exeter City Council is the statutory Harbour Authority for the Port of Exeter and Canal. Exeter City Council's Executive is the Duty Holder responsible for ensuring that the organisation complies with the Department for Transport's Port Marine Safety Code (PMSC). The Duty Holder cannot assign or delegate its accountability or compliance with the Code.

6.3 The PMSC provides for two main roles for achieving compliance with the Code. They are the 'Duty Holder' and the 'Designated Person'. The members of Executive as Duty Holder are individually and collectively accountable for compliance with the PMSC and to ensure safe marine operations in the harbour and its approaches. The PMSC sets out best practice to be followed. Although compliance with the PMSC is not a legally binding obligation, failure to comply with its provisions can result in legal action, for example, under the Health and Safety at Work Act 1974.6.3 The Designated Person is a paid independent adviser who provides assurance and advice directly to the Duty Holder. The DP effectively works for the Duty Holder. The main responsibility of the DP is to determine, through assessment and audit, the effectiveness of the Marine Safety Management System which is a significant part of the PMSC. The DP must be independent and have a thorough knowledge and understanding of the requirements of the PMSC (and the supporting Guide to good Practice) and associated port and marine legislation. The role of the DP does not obscure the accountability of the Duty Holder. The DP will assist, when required, in assessing and auditing the Council's compliance with the Code and will report back to the Duty Holder.

6.4 The role of the DP is central in ensuring that the Duty Holder is properly informed and aware issues concerning the management of the harbour in the context of compliance with the PMSC. In appointing an experienced Duty Holder, and following their recommendations following audit, it is intended that the Council will be compliant with the PMSC. This will provide a significant safeguard that the Duty Holder will act in compliance with the Port Marine Safety Code on the basis that the DP will provide independent confirmation that the Council is complying with the PMSC or sets out what the Council needs to do in order to become compliant. The intention is that the DP will have independent advice on the compliance with the Port Marine Safety Code.

7. Monitoring Officer's comments:

7.1 This report sets out the requirements to appoint a Designated Person. The Legal Aspects at paragraph 6 set out the respective roles of the Duty Holder and Independent Person, and the role of the Independent Person in advising the Duty Holder on issues of compliance with the Port Marine Safety Code.

8. Report details:

8.1 As work to enhance Code compliance and best practice within Port and Harbour operations is ongoing, an objective and robust auditing system is required. To provide objective assurance, the approach taken to fulfilling the DP has been to identify external consultants with the relevant qualities and competencies, and with no individual or conflicting interests in the Harbour.

8.2 After consultation with the Harbour board on the Job and Person Specification, and in compliance with Council Contract Procedure Rules, with limited potential applicants because of the specialist competencies, the Harbour Master directly approached five industry competent individuals for competitive application and quote.

8.3 Port Marine Guide to Good Practice considers competent as:

- Having relevant first-hand experience of the port marine environment and port operation.
- Having appropriate knowledge of shipping, shipboard operations, and port operations.
- Understanding the design, implementation, monitoring, auditing, and reporting of Safety Management Systems.
- Understanding and being able to apply assessment techniques for examining, questioning, evaluating, and reporting on operations and safety management systems.

8.4 The Harbour Master received two applications, both from qualified Master Mariners with demonstratable competencies (as in 7.3), capable of potentially delivering DP services for Exeter Duty Holders.

8.5 Both applicants provided suitable professional indemnity of £1,000,000 or above.

8.6 Of the two applications James Hannon (ABPmer) however, is considered to have the most extensive and bespoke DP and Port Marine Safety experience. They are the current DP with Dorset Council and Peel Ports group and have been formerly the policy lead and

subject matter expert to the Department for Transport for Port Marine Safety Code operations, technical advice, and assurance auditing (see appendix 1).

8.7 In addition to having the most extensive and directly relevant experience James Hannon (ABPmer) provided the most competitive quote.

8.8 Fully competent and with considerable direct experience of port marine safety application and the lowest competitive quote, James Hannon is considered the most suitable applicant.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The recommendation meets all six pillars of a well-run council:

- 1) The appointment and cost falls within an existing balanced budget.
- 2) The appointment of a DP will support compliance with the Code and implementation of the Harbour Revision Order, enhancing Harbour Governance.
- 3) In compliance with Council procurement rules the appointment will supply value-for-money, with the most experienced candidate for the lowest possible cost.
- 4) The DP provides assurance that there is a customer-focused safety system in place.
- 5) As a resource the DP will support staff and members to upskill and achieve best practice.
- 6) The appointment will ensure Exeter harbour and waterways are managed to industry required standards.

10. What risks are there and how can they be reduced?

10.1 There are no risks identified with the appointment of an appropriately qualified DP.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation, and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies, and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage, and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the recommendations are limited to the procurement of Compliance based services only. This bears no relevance to protected characteristics and is a service based on legal duty compliance.

12. Carbon Footprint (Environmental) Implications:

12.1 The DP will be required to make one site visit, by car or train. All other contact will be remote.

13. Are there any other options?

13.1 Compliance with the Code is not statutory, so there remains the option to do nothing. However, whilst the Code is not statutory failure to comply with the provisions outlined within it could, in the event of an incident, lead to prosecution under the Health and Safety at Work Act 1974.

13.2 The appointment of a DP in accordance with the Code to mitigate marine safety risks and assure the efficacy of the port marine safety system is considered a reasonably practicable measure to ensure moral and legal compliance.

Interim Director Environment waste and Operations, Cat Chambers

Author: Cat Chambers

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Maritime activity

Since the last meeting of the Harbour Board activity on the water for the Waterways team has remained at a high tempo.

At the end of September there was South-Easterly gale that blew up the river, 18 of the boats that were still on moorings broke free and ended up stranded at various points around the river, some being total write-offs. The team were heavily involved in the recovery of many of these boats, as an estimate, over £300,000 worth of damage was caused.

Two weeks later there was another gale, this time from the South-West which fortunately did less damage but there still was some done.

At the time of writing this report, Storm Bert is blowing through with 65 mph winds up the river from the South. Update: A steel yacht broke away from its' mooring and ended up against Starcross pier. Graham Manchester and I towed it back to another mooring.

In the river the team have now started the process of winterising the moorings that we service for our customers, we are strongly urging our customers to take up this offer because we have found that by bringing ashore the mooring buoys and associated tackle and doing the cleaning and servicing in the workshop where at least it is fairly dry (under a leaking roof) if not warm in a building without any insulation, this is still preferable to doing the same task at sea in March when the weather outside can still be challenging.

We are still working our way through the servicing of the Aids to Navigation, there is an attached report from Graham Manchester on this topic.

The moorings barge we use for most of our work afloat is as you are aware chartered to us by an owner who has now told us that he wishes to sell the boat. He has offered us a 'first refusal' option which we are exploring, I shall update members at the next meeting.

A new dedicated Waterways Engineer has been appointed. This position has been vacant since our previous engineer retired late last year. This is a three-year appointment, and the incumbent will be working three days per week primarily looking at maintenance projects on the canal gates, hardstands other infrastructure improvements that will require capital expenditure bids.

Canal Manager report

During the late summer and Autumn period some yachts which have been at Turf for years were falling into disrepair. These were asked to leave the canal and get repairs done at other boatyards. Subject to satisfactory "out of water" surveys then returning to canal would be considered.

There are still boats in other canal locations which have been in the water for years and not lifted out for hull maintenance. Vessels over 20 tonnes would need to go to other boatyards for lifting out however not all boats are seaworthy: some don't have working engines or rudders. In addition, the Canal team have had to pump out bilge water in some customer's boats and continue to pump out an 80T vessel weekly.

This season's winter storage for boats at Turf and the Exeter Basin has been completed.

During October & November there were three convoy Saturdays and two craning Saturdays with just over 20 boats lifted on the hardstand. Due to short staffing additional members of the Harbour team assisted the canal team with these events.

The canal workboat Margaret R has also been lifted out for winter maintenance. In addition to the regular maintenance there are various additional repairs including work to the wheelhouse.

Also, a replacement boat with a marine electric outboard has been ordered to replace the Canal blue dory which has a two stroke outboard.

Coastal Workboats at Water Lane are due to launch two new build vessels and the racing yacht "Big Spirit". The grounded Marie Claire at Gabriel's Wharf is also planned to be lifted out at the same time. This section of Water Lane will be closed to vehicles for an extended period and pedestrians will not be permitted access during the boat lifts. There will be diversion signs in place on this section of canal.

The next planned projects are the completion of Double Locks pontoon decking with a GRP mesh and tree maintenance works along various section of the canal. We do not anticipate completing all the canal tree works before the next bird nesting season.

In addition, there are various canal works that will need revenue or capital funding; these include refurbishment works to the lock gates at the Kings Arms and Turf. Upgrades to the old the marine electric and water outlets for boats at the Basin & Turf will need further funding consideration.

The Canal team are currently two full time operatives and one part time casual operative. One full time member of staff is currently off work due to shoulder injury.

The Canal Manager has attempted to recruit an additional part time casual operative however there are still concerns regarding the numbers of staff present most days and the need to get outstanding maintenance works completed. At the time of writing only one canal operative was present at work.

Canal operatives are required to have multi-disciplinary skillsets including boat skills, boat craning, civil works, plant, and machinery qualifications. Canal working is a more specialised type of role compared to other general roles. For this reason, resourcing new staff with appropriate qualifications, skills and abilities is difficult.

Canal Operatives need to be reactive to unforeseen issues including boats sinking or fallen trees after storms. In addition, they are required to assist with various harbour operations.

In-house training takes a considerable amount of time and planning. We rely on one or two personnel with a suitable number of years of experience to train new personnel.

The future operations of the Exeter Canal will require experienced and knowledgeable staff and succession planning is a key issue to ensure this.

Colin Acton

Harbour Patrol Volunteers

During 2024 we had a team of ten, dedicated volunteers who give up their time during the summer period (mainly over weekends) to provide harbour patrols on the River Exe and Approaches. We ran 39 patrols with the assistance of one or something two volunteers which accounted for 118 volunteer hours. Without this support we would have been unable to deliver regular weekend patrols with the existing number of staff.

The patrols have mainly consisted of advising users of the bye laws particularly in relation to the speed limit. As a result, we have seen a marked decrease in speeding and anti-social behaviour at peak periods over the previous three years. The patrols have also included responding to May Day calls, recovering swimmers and water sports users in distress, assisting broken down craft, recovery of vehicles and wrecks from the estuary.

All the volunteers go through an induction period and undertake volunteer training. Exeter Port Authority is an RYA Powerboat Training Centre, and all volunteers are working towards or hold an RYA Level 2 Powerboat Award. On the 19th of October we ran an end of season training evening with the volunteers which also allowed us to gain feedback on the role. As a result, we have updated the EPA Volunteer Development plan.

During 2025 we hope to deliver a number evening patrols in good weather. We also have developed links with the Exmouth Community Police Officers who are keen to accompany us on some of the patrols.

Aids to Navigation

Exeter Port Authority is the Local Lighthouse Authority for the Exe and there are fifty-one aids to navigation on the Estuary and Exe approaches. We aim to service all of these on a regular basis. This includes lifting navigation marks and where necessary changing blocks, chain, painting, and general repairs. The positioning is also reviewed, and lights tested. Trinity House also carries out two inspections per year to review this work.

A number of these aids to navigation are coming to the end of their lives. We are in a process of maintaining or where necessary replacing them.

In November 2024 we have fifteen aids to navigation that we wish to fully service prior to the start of the 2025 season.

Graham Manchester

licences for small passenger carrying vessels.

Exeter Port Authority issue two types of licences for operators of small passenger carrying vessels. Small passenger carrying vessels are only licenced to carry a maximum of 12 passengers within categorised waters such as the confines of the river Exe.

Holders of such licences can operate in the Exe between the 1st of April and the 30th of October. This year however, we have issued a winter licence for the Topsham to Turf ferry.

The first licence we issue is for the boat.

Small passenger carrying vessels must have a seaworthiness certificate signed by a competent person, a boat surveyor for example. The vessel must also have an 'out of water' survey every five years. The boat must have sufficient lifejackets and other safety equipment to the list that is given by the authority. Operators must also have public liability insurance for at least £5M.

The second licence we issues is the Boatmen's licence.

Applicants must hold a valid First Aid certificate, a VHF radio licence, and a Recognised powerboat qualification such as the RYA level 2 certificate. Applicants that are not experienced in the river Exe are normally taken out and competency checked by the Harbour Master.

Boatmen's licences are valid for 5 years and in 2024 6 new licences were issued.

Alan Harwood

End of season report from the Topsham Ferryman

The Topsham Ferry season has been a mix of highs and lows, it continues to be a privilege to help provide this popular service to both local customers and visitors to Devon.

Just under 7500 customers, 2400 bicycles and 280 pet dogs have been carried across the river Exe on the ferry this year.

Over 54% of bicycles were electric motor assisted, these bicycles have enabled a growing customer base of both young & old folks who would not have otherwise used the Exeter ship canal cycle trail to travel to Exeter basin, Double Locks Inn, Turf Lock Inn and further on to Dawlish and the Starcross ferry to Exmouth.

During July & August, approximately 60 cyclists travelled on the ferry whilst on holiday from Europe who were cycling long distances from channel ports to Devon and Cornwall.

Wildlife enthusiasts have enjoyed using the ferry service to view a seal that has regularly been feeding by the canal bank side ferry causeway and bird watchers have used the ferry crossing to view black swans & their cygnets, shelduck, osprey, purple heron, king fisher and many other bird species.

Due to bad weather conditions more ferry operating days were lost than last year and during the period of pollution off Exmouth the ferry service was much quieter due to lack of customers in the area.

I am looking forward to next year and meeting my local and visitor customers again helping them to enjoy all that our beautiful area has to offer.

Already I have been receiving messages regarding cycling and walking groups who wish to use the Topsham ferry and have been answering their questions about certain dates and time the ferry will be operating.

It has also been a pleasure to help look after visiting craft to Topsham quay and to help our wonderful environment look well kept by Topsham swing bridge and the ferry causeways adjoining mud flats and reed beds.

John Kent

EV Dirac Project

Having suffered significant delays with the production, EV Dirac, which was originally intended to be operational in mid-June, is finally operational. Albeit it is still only running on electric power. The hydrogen is now being fitted after Christmas. The vessel left the Marina under her own power on 26th of November.

She will be with us for a very limited testing period, before going back to Fareham for the hydrogen fit out. The plan is currently that Dirac will return to us in late Spring and be based in Exeter as a demonstrator vessel.

The money raised from the Port Authority’s involvement in the project has been invested in the new electric boat at the canal basin and to electrify the old patrol boat which is to be used by the ‘Friends of the Exeter Ship Canal for their voluntary patrolling role.

Nick Stone

Incident Statistics

From September to December, we have recorded the following incidents

| Incident type | Number |
|------------------------------|--------|
| Sinkings | 2 |
| Groundings | 1 |
| Collisions | |
| Speeding vessels | 13 |
| Machinery failure | |
| Engine breakdown | |
| Injury afloat | |
| Vessels adrift | 5 |
| Swimmers in the main channel | 1 |
| Navigation errors | 2 |
| Capsized vessels | 4 |
| Man overboard | |
| Vessels parted from moorings | 21 |
| other | |

Grahame Forshaw

Harbour Master 26th November 224

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| Incident Debrief: Ferry Fire River Exe | |
|---|--------------------------------------|
| ECC Responders: | Grahame Forshaw & Harbour/canal Team |
| Date: | 27/11/24 |
| Time: | 12:55 pm |
| Location: | Exe Estuary – off Starcross pier |

Overview:

At approximately 12:55pm on 27/11/24, Exeter City Council (ECC) Harbour Master, supported by the Harbour team (two vessels and four staff), arrived on scene at a small privately owned commercial ferry fire. On arrival the Fire Department were already present with an incident commander in place. As per marine regulation, ECC Harbour Master took incident command of the scene having primacy in on water incidents.

Present on scene at varying times throughout the fires were the Fire Department, Coast Guard Agency, Commercial Mooring Organisation, and ECC Harbour team. Two members of the Canal team were on standby at Starcross with further spill kits.

The ferry was moored at the time of the incident, and there were no passengers aboard and no risk to life. The only risk of injury sat with the Harbour and emergency response personnel.

Initially, to limit immediate risk of injury to responders the Fire service wanted to leave the boat to burn out on water. However, to preserve marine navigation safety and prevent additional salvage operations and on water pollution that would have resulted when the boat inevitably sunk, the Harbour Master overruled the fire department incident command. The Fire service subsequently tackled the blaze from the safety of the Exeter Port Authority vessel.

The fire was fully extinguished by approximately 3:45pm.

The Harbour team then singularly carried out activities to secure the wreck making safe and preventing a water pollution incident. This was achieved by recovering the boat to ground and closing drainage bungs pending to prevent leakage pending disposal by the operator/ owner.

The boat had been secured/ made safe by 4.45pm and the incident closed for the day pending disposal and EA contact on the morning of the 28/11/24.

Organisations/ Bodies in attendance.

- Exeter Harbour Team – throughout
- Exeter Fire and Rescue service– until fire was extinguished.
- Maritime & Coastguard Agency - until fire was extinguished.
- Simon Turl -Private Mooring service

Incident lead:

- Exeter City Council Harbour Master

Actions:

- Post incident relevant organisations were informed of the incident, namely:

Marine Accident Investigation Branch (MAIB)
Maritime and Coast Guard Agency
Devon County Emergency Response
Teignbridge District Council.

N.B. The vessel was not carrying passengers at the point of incident, so there is no duty to inform the HSE.

Further Actions:

- Teignmouth Marine Service have been instructed to dispose of the Wreck, by owner operator. This is pending action and details/ dates need to be confirmed.
- Harbour Master needs to inform the EA of the incident – to be actioned on the 28/11/24

Management Objectives

Management Objectives for the Marine Safety Plan have split its into two sets, the first addresses 'Standing Objectives' the second set addresses 'Period Objectives'. This plan is owned by Exeter City Council on behalf of the Duty Holder and aims to address high level targets which will benefit all port and harbour locations and fulfils the requirement of the PMSC for the Duty Holder to maintain a Marine Safety Plan.

Standing Objectives

| | Number | Provision | Objective | Target | Evidence |
|--|--------|-------------------|---|--|---|
| | 1 | Duty Holder | Duty Holders to have received training on their role and responsibility under the Code in the last three years. | To appoint ECC Executive Committee as DH | Action complete. ECC Executive are now appointed as Duty Holder, all members have received training |
| | 2 | Designated Person | To have undertaken an operational tour of Exeter waterways in the last three years. | DP selected, awaiting confirmation of appointment | Evidence of appointment will be given at the Harbour Board meeting |
| | 3 | Legislation | Report by the Designated Person to the Duty Holder at least once per year. | Not yet, but will be an annual review | Will be part of the process once DP appointment made. |
| | 4 | Duties and Powers | MAIB Reportable Incidents: make all reports to the MAIB within 24 hrs, with investigation followed up. | 24 hrs initial report, investigation at incident close | Maritime activity report |
| | | | Incidents recorded and investigated (if necessary) within the agreed timeframe. | Initial action 7 days, investigation closed in 30 days | Maritime activity report |
| | 5 | Risk Assessment | All Marine Risk Assessments to be in date. | 100% complete | Interim Director and Environmental Health manager received presentation on MARNIS, both agree that the reporting system is right for our use. Procurement will hopefully be |

| | | | | | |
|--|--|--|--|--|---------------------------------------|
| | | | | | started soon, report to next meeting. |
|--|--|--|--|--|---------------------------------------|

| | Number | Provision | Objective | Target | Evidence |
|--|--------|---------------------------------|---|---|--|
| | 6 | Marine Safety Management System | All Policies reviewed on a three-yearly basis. | To have plan produced and available to all stakeholders within 6 months. | Not yet completed. See below. |
| | | | The Marine Safety Management System will be reviewed annually (or following any significant incident, industry or legislative changes). | To distribute widely, to keep numbered and dated reviews. To liaise with other stakeholders on the waterways about their own responsibility to the PMSC | To keep agenda item at the Port User group meetings. Once MARNIS system adopted, contractor will conduct a HAZ ID exercise with key stakeholder groups |
| | 7 | Review & Audit | Internal Audit | Staff reviews annually. Document checks annually | Audit carried out by South West Audit Partnership. |
| | 8 | Competence | Ensure staff with marine safety responsibilities are trained to undertake their duties. | 100% of Essential & 80% of Desirable completed | Maritime activity report |
| | 9 | Plan | Publish a three yearly 'Marine Safety Plan' (this plan). | Plan currently being prepared | Internal Audit |
| | 10 | Conservancy Duty | Aids to Navigation: Three-year performance meets or exceed IALA performance threshold | To carry out annual liaison and inspection with Trinity House | Constant monitoring of navigation channels. Survey results to be promulgated on Waterways web pages |
| | | | Hydrographic surveys in date | Survey of the approaches completed April 2024 | |

Gap Analysis update

| | Number | Provision | Objective | Target | Evidence |
|--|--------|-----------------------------------|---|--------|--|
| | 13 | PMSC | Liaise with marinas and boatyards confirming work towards compliance | 2024 | Done, emails sent by HM |
| | 15 | Harbour assets confirmed with MCA | Assets declared on the list held by the MCA in case of Civil Contingencies Act 1984 | 2024 | Done, list compiled and sent by HM |
| | 6 | Update Admiralty chart no2290 | Port limits to be shown on Admiralty chart no2290 | 2024 | Done, liaised with UKHO, Task complete |

Period Objectives

| | Number | Provision | Objective | Target | Responsible Officer |
|--|--------|-------------------|--------------------|--|---------------------|
| | 1 | Duties and Powers | General Directions | Introduce General Directions and repeal current Bye-Laws – With lawyers Ashford's currently. | Harbour Master |

| | | | | | |
|--|---|---------------------------------|---|--|--|
| | 2 | Duty Holder | Marine Facilities | Identify Marine Facilities within the port area and seek compliance with the PMSC | Duty Holder, on-going training with Harbour Master |
| | 3 | Competence | Training | Issue Training Matrix and ensure all staff have appropriate training as required to undertake their duties | Harbour Master |
| | 4 | Marine Safety Management System | Management of Navigation | Carry out a formal Risk Assessment of navigable waters | Harbour Master |
| | 5 | Conservancy Duty | Aids to Navigation | Review of all AtoN's in the port | Graham Manchester |
| | 6 | Marine Safety Management System | Liaison and consultation with stakeholder | Improve lines of communication in place with Port User Groups. Regular meetings with the Commodores from sailing clubs around the river to ensure collaborative approach to racing areas | Harbour Master |

Notes to the Financial Statements

45. Statutory Harbour Authority

Exeter City Council is the harbour authority for the Exe Estuary.

An annual Statement of Account relating to harbour activities is required to be prepared, in accordance with the 1964 Harbours Act.

| | 2021-22 £'000 | 2022-23 £'000 |
|---|------------------|------------------|
| Income | | |
| Fees and Charges | (123) | (27) |
| Total Income | (123) | (27) |
| Expenditure | | |
| Employees | 197 | 194 |
| Premises | 71 | 62 |
| Supplies and Services | 33 | 43 |
| Transport | 40 | 37 |
| Capital Charges | 52 | 47 |
| Total Expenditure | 393 | 383 |
| Net cost of Harbour Activities as included in the Comprehensive Income and Expenditure Statement | 270 | 356 |

Fees and Charges for 2024-25

| | Fee | VAT @ 20% | Total | VAT CODE |
|---|--|------------------|----------|---------------|
| G CANAL AND PORT OF EXETER | | | | |
| * With effect from 1st April 2024 | | | | |
| Calculated lengths include Bumpkins, Bowsprits, Spars and other extensions fixed or rigged fore and/or aft of the vessel at the mooring | | | | |
| Cost may be amended for operational reasons by the Port Manager | | | | |
| 1 Mooring on Bight | | | | |
| i Commercial/ Qualifying Vessel (per day or part day) | 85.00 | - | 85.00 | 7 |
| ii Recreational vessels under 40 ft (per day or part day) | 17.50 | 3.50 | 21.00 | 3 |
| iii Recreational vessels over 40 ft (per day or part day) | 21.67 | 4.33 | 26.00 | 3 |
| 2 Mooring Licence or Storage Ashore (per metre per month or part month) | | | | |
| i Basin or Canal (including Turf) | 14.17 | 2.83 | 17.00 | 3 |
| ii Topsham Quay hardstand, including trailers (booking deposit required - minimum period of stay applies) | 17.50 | 3.50 | 21.00 | 3 |
| iii Topsham Quay alongside (by arrangement) | Price on application | | | 3 |
| iv Multihull Vessels | Plus 25% | | | as applicable |
| | After 12 months an additional 25% per quarter cumulative | | | as applicable |
| v Vessels Stored Ashore | By negotiation | | | as applicable |
| vi Boat restoration projects (storage on hardstanding) | By negotiation | | | as applicable |
| vii Commercial vessel | By negotiation | | | as applicable |
| viii Vessels exceeding maximum overnight permitted stay | By negotiation | | | as applicable |
| 3 Locking In or Out at Turf (including Mastling/Demasting) | | | | |
| Mon to Fri (exc Public holidays) 08:00:15:00 | | | | |
| For access and passage outside these times contact the Operations Manager | | | | |
| No fee for recreational vessels available on designated Convoy dates | | | | |
| i Recreational Vessel additional single lock in or out (during season) | 35.00 | 7.00 | 42.00 | 3 |
| ii Recreational Vessel out of hours (by arrangement) | 96.25 | 19.25 | 115.50 | 3 |
| iii Commercial Vessel Weekday | 175.00 | - | 175.00 | 7 |
| iv Cancellation of booking (less than 1 day prior to event) | 37.50 | 7.50 | 45.00 | 3 |
| 4 One Way Passage Along Canal (Single Hull Vessels) | | | | |
| Mon to Fri (exc Public holidays) 08:00:15:00 | | | | |
| For access and passage outside these times contact the Operations Manager | | | | |
| No fee for recreational vessels available on designated Convoy dates | | | | |
| i Recreational Vessel Weekday | 58.33 | 11.67 | 70.00 | 3 |
| ii Commercial Vessel Weekday | 180.00 | - | 180.00 | 7 |
| iii Cancellation of booking (less than 3 days prior to event) | 37.50 | 7.50 | 45.00 | 3 |
| 5 Winter Season Storage Offer as Part of Designated Convoy | | | | |
| Five months paid in advance includes Locking & Transit with convoy rate - per | | | | |
| i metre | 70.83 | 14.17 | 85.00 | 3 |
| Five months paid in advance includes Locking & Transit, convoy, hire of | | | | |
| ii cradle (excluding cranage fees) - 8m LOA vessel | 770.83 | 154.17 | 925.00 | 3 |
| Five months paid in advance includes Locking & Transit, convoy, hire of | | | | |
| iii cradle (excluding cranage fees) - 10m LOA vessel | 908.33 | 181.67 | 1,090.00 | 3 |
| Five months paid in advance includes Locking & Transit, convoy, hire of | | | | |
| iv cradle (excluding cranage fees)- 12m LOA vessel | 1,050.00 | 210.00 | 1,260.00 | 3 |
| 6 Visiting Vessels' Mooring and Berths per day or part | | | | |
| Mooring alongside per day (max. 4 weeks in any year) | | | | |
| i Turf weekdays (min period 2 days) per day inclusive of Locking | 29.17 | 5.83 | 35.00 | 3 |
| ii Turf 'weekend' (in Friday/out Monday) inclusive of Locking | 75.00 | 15.00 | 90.00 | 3 |
| iii Topsham Quay per day | 20.83 | 4.17 | 25.00 | 3 |
| 7 Passenger Vessels and/or boats for hire within the Port, Canal or Basin | | | | |
| Landing passengers (per passenger/ occupant per one way passage) | 0.70 | - | 0.70 | 7 |
| Pontoons per metre per month | 17.00 | - | 17.00 | 7 |
| Contracted Use of the Waterway | | By negotiation | | |
| 8 Dues on Qualifying Vessels (HMRC Notice 744c) whilst withdrawn from commercial use | | | | |
| i Canal or Canal Basin - mooring afloat (per metre per month/part month) | 14.25 | - | 14.25 | 7 |
| ii Topsham Quay - mooring afloat (per metre per month/part month) | Price on application | | | 7 |
| 9 Services | | | | |
| Electricity, Water & Waste Disposal | | At cost plus 20% | | |
| 10 Cranage | | | | |
| Lifting in or out | | | | |
| i Cranage assistance fee (not including contractor cranage costs) | 45.83 | 9.17 | 55.00 | 3 |
| ii Lifting over Topsham Quay per metre plus cranage fee | 4.17 | 0.83 | 5.00 | 3 |
| Hire of cradles per boat per month or part (cradle or legs on keel boats | | | | |
| iii compulsory) | 41.67 | 8.33 | 50.00 | 3 |
| iv Provision of Appointed Person | At cost | | | 3 |
| 11 Storage and Labour | | | | |
| i Storage of masts ashore (per period up to 6 months) | 43.75 | 8.75 | 52.50 | 3 |
| ii Assistance / Supervision (where not Included in other charges) | At cost | | | 3 |
| iii Labour per half hour | 41.67 | 8.33 | 50.00 | 3 |
| iv Labour per half hour with use of boat (2 staff) | 158.33 | 31.67 | 190.00 | 3 |
| 12 Administration Charges | | | | |
| Change of ownership of a boat within the Canal | | | | |
| | 20.83 | 4.17 | 25.00 | 3 |
| 13 Hire of Unifloat per day (or part thereof) | | | | |
| i Hire of concrete Walcon pontoon per day (or part thereof) plus delivery | 10.83 | 2.17 | 13.00 | 3 |
| ii Hire of Uniflote pontoon per day (or part thereof) | 112.50 | 22.50 | 135.00 | 3 |
| iii Storage of equipment, containers and cradles per metre per month | 14.17 | 2.83 | 17.00 | 3 |
| 14 Licensing of Commercial Craft and Boat Operators per annum | | | | |
| i Commercial Craft | 33.33 | 6.67 | 40.00 | 3 |
| ii Operators (Initial) | 91.67 | 18.33 | 110.00 | 3 |
| iii Operators (Renewal) | 33.33 | 6.67 | 40.00 | 3 |
| 15 Topsham Ferry per crossing | | | | |
| i Per person (under 5 yrs old free) | 2.00 | - | 2.00 | 7 |
| ii Bicycles | 1.50 | - | 1.50 | 7 |
| iii Water taxi to other vessels (at Ferry Operative's discretion) | 7.00 | - | 7.00 | 7 |

Fees and Charges for 2024-25

16 Exeter Port Authority Marine Services

| | Fee | VAT @ 20% | Total | VAT CODE |
|--|----------------|-----------|----------|----------|
| i Deep water mooring service - includes lifting and inspection of mooring block Service mooring to connection with ground chain (does not include inspection ii of ground chain) | 135.00 | 27.00 | 162.00 | 3 |
| iii Drying mooring service | 135.00 | 27.00 | 162.00 | 3 |
| iv Winterise mooring (including storage) | 45.00 | 9.00 | 54.00 | 3 |
| v General Labour per staff member per half hour | 30.67 | 6.13 | 36.80 | 3 |
| vi Hire of commercial boat with helm and crew per half day (4 hours maximum) | 41.67 | 8.33 | 50.00 | 3 |
| vii Hire of commercial boat and crew per day (8 hours maximum) | 875.00 | 175.00 | 1,050.00 | 3 |
| viii Telehandler with driver per hour | 1,750.00 | 350.00 | 2,100.00 | 3 |
| ix Telehandler with driver per day | 158.33 | 31.67 | 190.00 | 3 |
| x All other commercial work | 658.33 | 131.67 | 790.00 | 3 |
| | By Negotiation | | | 3 |

17 Exeter Port Authority Training Courses

| | | | | |
|--|--------|---|--------|---|
| i Powerboat Level 2 courses | 360.00 | - | 360.00 | 8 |
| ii RYA Level 2 - Powerboat Handling Direct Assessment Course | 220.00 | - | 220.00 | 8 |
| iii Advanced Powerboat course | 400.00 | - | 400.00 | 8 |

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From the “Quarter 2 Budget Scrutiny - General Fund Revenue” report presented at Customer Focus Scrutiny Committee on 28 November 2024

| Waterways | (£131,340) |
|---|------------|
| <p data-bbox="209 443 927 479">Responsible Officer: Head of Service – Operations</p> <p data-bbox="209 495 1374 904">The Exeter Port Authority operates a mooring repairs service, purchased by the Council several years ago. The intention was for this to be self-financing, but costs had risen significantly whilst workload and income had not. The opportunity is still available but, without the introduction of the Harbour Revision Order (HRO) which is currently being progressed, improvement will be slow – the current forecast is that the service will be very near to breakeven at year end, depending on the ongoing demand for the services it provides. The presently unoccupied Waterways Engineer post, funded for a 3-year period from historic vacancy underspending within Engineering (at £120,000) has been transferred to the service which is looking at how best to use this resource. There is a contingency fund available for any inquiry that might follow the application for the HRO, but that will not take place in the current year and the £80,000 will be required to roll over to the next financial year.</p> <p data-bbox="209 920 1374 1061">Canal licences represent the one area of concern – income levels have stagnated in the opening quarters with few new vessels being kept in the canal. The forecast is for there to be a reduction in income in comparison with 2023/24, due to vessels being scrapped or leaving. Income will likely be some £76,000 below budgeted level.</p> | |

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