



HARBOUR MASTERS REPORT TO HHAC 10TH October 2012

1 Operational report

July

- As a result of adverse weather conditions the impoundment for Hayle in Bloom was cancelled
- Sea Glory lifted out onto East Quay for repairs then lifted back in on completion
- Dolly Pentreath in from St Ives due to weather
- Water Sampling by Cornwall Port Health Authority at two locations within the harbour.
- Trinity house launched to inspect Godrevy light
- HSLC Paddleboard race
- Litter pick at Harveys Towans car park now required on a daily basis
- Two Asian males stopped from drift netting in the estuary SIFCA informed.
- Second water test by Cornwall Port health authority

August

- The AHM has completed his report following the internal audit of the PMSC some amendments are necessary following the management changes that took place last month
- During a routine safety inspection it was noticed that the fence panels at Carnsew sluice had been removed by persons unknown, replaced by HHAL
- Hayle Gig and Pilot club Event Copperhouse
- Raft race Copper house

- Report of leaking oil from the MV John Martyn on Lelant Quay AHM investigated no sign of any discharge
- Slipway user given a verbal warning for speeding in the Harbour
- Family seen to be fishing from the buttress on Lelant quay which is fenced off. When moved on they claimed not to have seen the No Entry Signage
- Youths unmoored the stonemasons boat which grounded on the cockle bank it was later recovered at low water by forklift.
- Continual tombstoning problems with groups of youths

September

- A visiting RIB partially sank on its mooring and required emergency craning. On investigation it was found that the bung had not been put in prior to launching, this was corrected and the vessel was lifted back in.
- Save Our Sands carried out a beach clean and recovered 25 bags of rubbish.
- Report of netting in Copper house pool Fisheries informed
- Two vessels over from St Ives to shelter from weather
- Police removed Tomb stoners from East Quay
- A group of young men were seen swimming in the harbour between East and South Quay, when informed there is no swimming in the harbour they became abusive and were later seen to get into a local window cleaners van parked on the quay. Police were informed and they spoke to the owner of the company.
- K38 Rescue Training in the estuary

HM Report

1 Cardinal buoy.

The Port and Starboard channel buoys have been removed and replaced with a North Cardinal Buoy. Trinity House UKHO and Reeds Almanac have been informed. Trinity House responded with the following:-

Dear Sir,

Navigation Buoys - Hayle Harbour

The consent of the Corporation of Trinity House under section 199(2) of the Merchant Shipping Act, 1995, is hereby conveyed to Hayle Harbour Authority to the discontinuance of the port and starboard entrance channel buoys and to the establishment in lieu of a North Cardinal Lighted buoy exhibiting a Q light in position Lat 50 12'.213N., Long 005 26'.156W.

The reference for this buoy for availability reporting is N18191

Yours faithfully,

Martin Thomas
For Director of Navigational Requirements
Trinity House London

2 Grounding

Following the grounding incident in May of this year I have written to the vessel owners recommending that they do not proceed to sea again until they have received suitable training, and they have agreed to.

3 Mackerel Boats

Mr Barber continues to demonstrate his defiance and claims his vessel is on RSPB land and that he is not liable for the payment of harbour dues. Simon Clarke has provided HHAL with a land ownership plan that shows Mr Barbers vessel is clearly laid up on ING RED UK land. Therefore it is my intention to invoice him for dry berthing at £40 + VAT monthly which will be more expensive than his annual mooring licence.

4 Fishermen's Landing Area

The fishermen's move to their new landing area has been completed however there have been some problems with the new manual davits etc. which we are working with the fishermen to overcome, also the size of area to be leased by them has as yet to be agreed with ING.

5 Mussels

The initial water sampling conducted by the Cornwall Ports Health Authority has been encouraging and the Centre for Environment, Fisheries & Aquaculture Science (CEFAS) have given the beds identity numbers.

Following consultation with South Inshore Fisheries and Conservation Authority (SIFCA) I am in the process of applying for a Several order. This is an order that can be made for various shellfish species and gives exclusive rights to Hayle Harbour Authority Ltd to fish or take shell fish from within a defined area. An explanation of a Several order is as follows:-.

Several orders (Section 1 of the Sea fisheries Shellfish Act 1967)

Section 2 of the Act gives the grantees of the Order exclusive rights, exercisable within a defined area of the sea shore, to fish, dredge for or take the shellfish species to which the Several Order applies. The right of Several fishery bestows ownership of the shellfish on the Grantee and is a property right that may be leased or transferred. In exercising this right the Grantee may create and maintain shellfish beds and may collect, move or deposit shellfish as it sees fit within the defined area. The Order which confers this right will set out the extent of such powers and any conditions to which they are subject.

Whilst an Order only applies to named species, it can place restrictions on other activities (including fishing for other species) which may take place within the area of an Order, if

these activities would damage or place at risk the shellfish stock for which an Order has been given. Unauthorised disturbance of or injury to a shellfish bed within the designated area of a Several Order may give rise to criminal sanctions and entitle the Grantee to compensation

6 Port Marine Safety Code

The Designated Person Mark Capon will time his external audit of the PMSC to coincide with the January HHAC meeting, at which he will report his initial findings.

The AHM completed his internal audit during August his executive summary is attached to my report.

7 Tombstoning

This became a serious problem during August. One particular incident could have resulted in a serious injury or a fatality as a group approximately ten youths were jumping in near the sluice tunnels on an incoming tide. They would not stop the activity or leave the site when told to do so and became confrontational. They then started to intimidate a family who were fishing nearby. I instructed Mr Routledge to ring 999 as I feared for the safety of the youths and also the possibility of an incident involving the family. We then stood back monitored the situation and waited for the police to arrive. Unfortunately they were mistakenly directed to attend Padstow harbour and not Hayle. The youths eventually became tired of trying to obtain a reaction and gradually dispersed. From the descriptions we later gave the police they were able to identify the group and have assured me they will visit them and their parents at their homes.

Bye law 52 states except in places which shall be clearly designated by the Company or except with the permission of the harbour master no person shall bathe in the harbour or fish for marine creatures of any type from the harbour premises; Carnsew quay is clearly sign posted No Swimming.

My concern is one of liability should someone become injured, therefore all tombstoning incidents are being accurately recorded on an incident report form with actions taken, I have also spoken with Simon Clarke with regard to improving the existing signage to include no diving or jumping.

I am now in receipt of a letter from the Devon and Cornwall Constabulary in response to a complaint the Authority made against the police on the 28/9/12, which states that refresher training in accordance with Force Policy D51- identifying Risk, Harm and Threat call handling techniques – listening and questioning skills will be undertaken and also an apology for the poor standard of service received.

8 Viaduct / Whirlpool

Hayle police have passed a You Tube link to British Rail Transport Police of a male diving off the viaduct into Penpol creek. Whilst looking for the video the AHM came across another incident of a male who calls himself Mr Whirlpool. This is quite a frightening piece of underwater film that shows a male diving in front of the sluice tunnels to film the whirlpool that is often generated at there. I have passed the link onto the police in the hope that we can track down this person and deal with him.

9 Swing bridge

A lorry making an early morning delivery to Ready Fresh collided with the wall at the swing bridge twice, once when entering the site then again when leaving. I tracked down the company whose insurers eventually admitted liability and the wall has been repaired.

10 Leaking Oil

A report of oil leaking from a vessel on Lelant quay was received from a member of the public both myself and the AHM investigated but could not find any signs of the leak. I have spoken to the owner who assures me he has not pumped out into the harbour. We have continued to monitor the vessels moored on the quay but have as yet not seen any oil.

Peter Haddock
Harbour Master
Hayle Harbour Authority Limited

EXECUTIVE SUMMARY

Internal audit of the SMS carried out by Mr Routledge AHM August 2012

Mr Kenneth Routledge, Assistant Harbour Master was instructed by the Harbour Master to conduct an internal audit of the Safety Management System (SMS) at Hayle Harbour Authority Ltd (HHAL). The internal audit is in addition to the annual external audit conducted by the designated person and is a requirement of the PMSC. By instructing the AHM to conduct the audit the HM felt this would help him to become fully acquainted with the documentation generated from the PMSC and guide to good practice and to also ascertain the harbour's continued compliance, following a change in management structure.

Harbour Operations

Hayle Harbour is still in a state of flux with regard to the redevelopment of North Quay and with the approval of planning for South Quay, disruption to harbour operations and inconvenience to mooring holders is expected to continue into the foreseeable future.

Responsibilities

The Boards Representative, Tim Armstead, will be moving on at the end of July 2012 and it is expected that Simon Clarke will take over this role.

The Deputy Harbour Master has now been promoted to the role of Harbour Master and the previous Harbour Master Capt. Mark Capon has assumed the role of The Designated Person and as required by the PMSC he has direct access to the Duty Holders. Although in the process of being updated the SMS does not reflect these changes and it is imperative that the update is completed at the earliest opportunity to reflect the changes to individual's specific duties.

Outstanding Action

An action from the November 2011 external audit regarding an effective close out or investigation sign off of an incident has not been completed and requires to be addressed. However the recommendation to upload incident reports to the private section of the HHAL Website has been completed.

Emergency Plan

The emergency plan has now been adopted by the emergency services and was used by the AHM when dealing with ordinance found on the foreshore of Penpol creek. He found the guidance and the actions listed to be user friendly and an aid to memoire, but some minor amendments were necessary to improve the plan following the incident.

Oil Spill Emergency Plan

In the early part of the year the HM then the DHM attended exercise Chough at Cornwall Council offices in the role of ports advisor for a table top exercise of the County's oil spill emergency response plan, it was hoped that the authority could also exercise its own plan at the this time, but time constraints would not allow it.

Enforcement

The enforcement action taken by HHAL against the Mackerel boats was successful and some dues have been received. Although one boat owner settled his outstanding dues as ordered by the court he continues to be defiant and has hauled his vessel further up the foreshore to just above mean high water springs. He now claims he is outside of the authority's jurisdiction and does not have to pay dues. HHAL is in the process of obtaining detailed land ownership plans of the area which we think will confirm that the vessel is on ING RED (UK) land.

Standard Operating Procedures

A review of the standard operating procedure for consent to crane was required following an incident where unauthorised craning occurred involving the off-loading of a vessel onto east Quay from a low loader. The crane operator argued that the consent to crane only referred to lifting in and out of the water. The Pro forma has since been amended to include all craning.

Channel / Bar

The Authorities highest risk continues to be the channel entrance which is not accurately marked by the Port and Starboard buoys and is where a local vessel under the command of a new skipper without local knowledge or basic skills recently grounded. Therefore to reduce this risk to ALARP and in consultation with the stakeholders, UKHO and Trinity house the decision has been taken to replace these buoys with a North Cardinal Buoy. Vessels with local knowledge may care to use the buoy as a reference when entering or leaving the harbour but must be aware it does not mark the channel. Visiting vessels wishing to enter the harbour will need to contact the harbour master for advice.

Dredging

It is evident from timeline photography that the channel is continuing to migrate to the East and it is the fear of the HM that the estuary mouth may change its form and become a delta if not dredged, creating additional risks to mariners and affecting the future commercial viability of the harbour. The Authority has a statutory duty to maintain the navigational channel and reduce all risks to ALARP. The HM has therefore been exploring the feasibility of reintroducing traditional methods previously used to manage the estuary i.e. plough dredging combined with sluicing from Carnsew when reinstated and possibly a limited form of sluicing from Copper house. Talks with stakeholders have to date been encouraging the main emphasis being that any dredging only takes place on the ebb tide.

The SMS

The safety management system continues to be used as an active management tool and is being continually improved upon through its daily use and also from comments following internal and external auditing.