

PORT MARINE SAFETY CODE

1.0 INTRODUCTION

- 1.1 This report provides an update on progress being made towards compliance with the Port Marine Safety Code (PMSC) and presents the latest version of the Marine Safety Management System (MSMS) to be published if approved on the Argyll & Bute Council website.
- 1.2 It presents 4 Policy Statements for inclusion in the MSMS for approval.
- 1.3 It also introduces a proposed formal review, update and reporting cycle for maintaining the MSMS and Marine Safety Plan into the future

2.0 RECOMMENDATIONS

- 2.1. Members of the Harbour Board are asked to:-
 - 2.1.1 Note and consider this report;
 - 2.1.2 Approve the future review, update and reporting procedure for the Marine Safety Management System (MSMS) and Marine Safety Plan, being on a fixed three year cycle with a summary of small changes, or earlier if a substantive change is highlighted by Designated Person or Duty Holder;
 - 2.1.3 Note the revised number of ports, harbours and marine facilities within the Council's jurisdiction following legislation review and consolidation;
 - 2.1.4 Approve the Policy Statements (Appendices A, B, C & D) for inclusion and publication with the MSMS; and
 - 2.1.5 Approve the new version (Volume I) of the Marine Safety Management System (appendix E) for publishing to the Council's website.

3.0 PMSC Reporting Cycle

- 3.1 The PMSC sets out a national standard and identifies ten key measures as a benchmark against which successful high-level implementation of the code can be compared. The ten key measures identified in the code are as follows:

- 1. Duty Holder

2. Designated Person
3. Legislation
4. Duties and Powers
5. Risk Assessment
6. Marine Safety Management System (MSMS)
7. Review and Audit
8. Competence
9. Plan
10. Aids to Navigation

- 3.2 Monitoring, reviewing and auditing of the Council as an Organisation under the Code, is a key requirement. Annual independent audits of the Marine Safety Management System are provided by the Designated Person (DP) and are planned for September each year. This process allows for the DP to report on the effectiveness of the system to the Duty Holder and Harbour Board. Outputs from the audit cycle will be presented to the Duty Holder and Harbour Board to be considered and recorded along with the Remedial Measures Action Plan annually.
- 3.3 The DP will also produce an annual statement in the first quarter of each calendar year and provide a statement regarding the Council's compliance with the code. This will also be presented to the Duty Holder and the Harbour Board.
- 3.4 Internal audits are an important check on the operational compliance at the ports and are carried out to assist in the early identification and eradication of any deficiencies as a priority. The internal audit checks will this year be carried out at Rothesay Harbour and will continue to precede the External Assurance Audit timetable. They are carried out by Argyll & Bute Council appointed Harbour Masters, which helps the continuity of the standards across all of our ports.
- 3.5 The Marine Safety Plan is developed for a fixed 3 year period and contain targets set and agreed by the service for that period. The targets are an important indicator of intent and performance and will be reported annually, as well as being published annually on the Council's website.
- 3.6 The review of the MSMS should be continuous and robust and will form an integral part of marine staff internal reporting on a regular basis. Where nonmaterial changes are required following audits or review or where guidance or advice is received from statutory bodies, then such changes are to be decided upon by the Marine Operations Manager and approved by the Duty Holder. Significant changes will result in a reissue of the MSMS, to be approved by the Harbour Board.
- 3.7 In addition to the above Management of Change, it is proposed that the MSMS will be re-issued every three years to coincide with the issue of the new Safety Management Plan. This will include a summary of all small changes over the period and will be approved by the Argyll & Bute Council Harbour Board.

3.8 As a minimum, proposed Harbour Board reporting can be summarised as:

3.8.1

Report	Frequency	Description
PMSC Audit	Annual	The outcomes of the DP External Assurance Audit, programme of internal & external audits and update to the Remedial Measures Action Plan.
DP Statement	Annual	Designated Person annual statement in Q1 of each calendar year, update to the Remedial Measures Action Plan and annual results of Marine Safety Plan for approval before publication.
Marine Safety Plan	3 yearly	Presentation of the new 3 year Safety Plan for approval before publication.
MSMS	3 yearly	Irrespective of changes, a new edition of the Marine Safety Management Plan presented for approval before publication, including a summary of small changes made to date. To be aligned with each new Marine Safety Plan.
MSMS	As required	Any changes required which the Duty Holder agrees are material or significant will result in a reissue of the MSMS, to be approved by the Harbour Board before publication.

4.0 Policy Statements

4.1 Marine Policy statements assist with public and facility user understanding and clarify the intentions of the Harbour Authority.

It is proposed that all changes to Policy Statements will be presented to the Duty Holder and Harbour Board for approval before publication.

They are attached to this report as:

4.1.1 Marine Conservancy & Hydrographic Policy (appendix A)

4.1.2 Navigational Safety, Pilotage & Towage Policy (appendix B)

4.1.3 Marine Training Policy (appendix C)

4.1.4 Enforcement Policy (appendix D)

5.0 Marine Safety Management System

5.1 The PMSC requires in sections 3, 4, 6 & 7 that the Harbour Authority review its legislation and as well as the Marine Safety Management System itself. An extensive review has been undertaken by both the Marine staff and ABP Mer. The completed version is presented for Harbour Board approval and is attached to this report (appendix E).

5.2 It is perhaps not surprising when dealing with inherited legislation of significant age that Harbour Orders have now been confirmed for 7 Council locations. Also, the opportunity has been taken at this time to consolidate marine facilities within a port or harbour area into one managed location.

5.3 Argyll and Bute Council is the Statutory Harbour Authority at 7 locations and a marine asset owner at a further 29 marine facilities located throughout the Council area.

The Council's Statutory Harbour Authorities are namely:

5.3.1 Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.

5.3.2 Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.

5.3.3 Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.

5.3.4 Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.

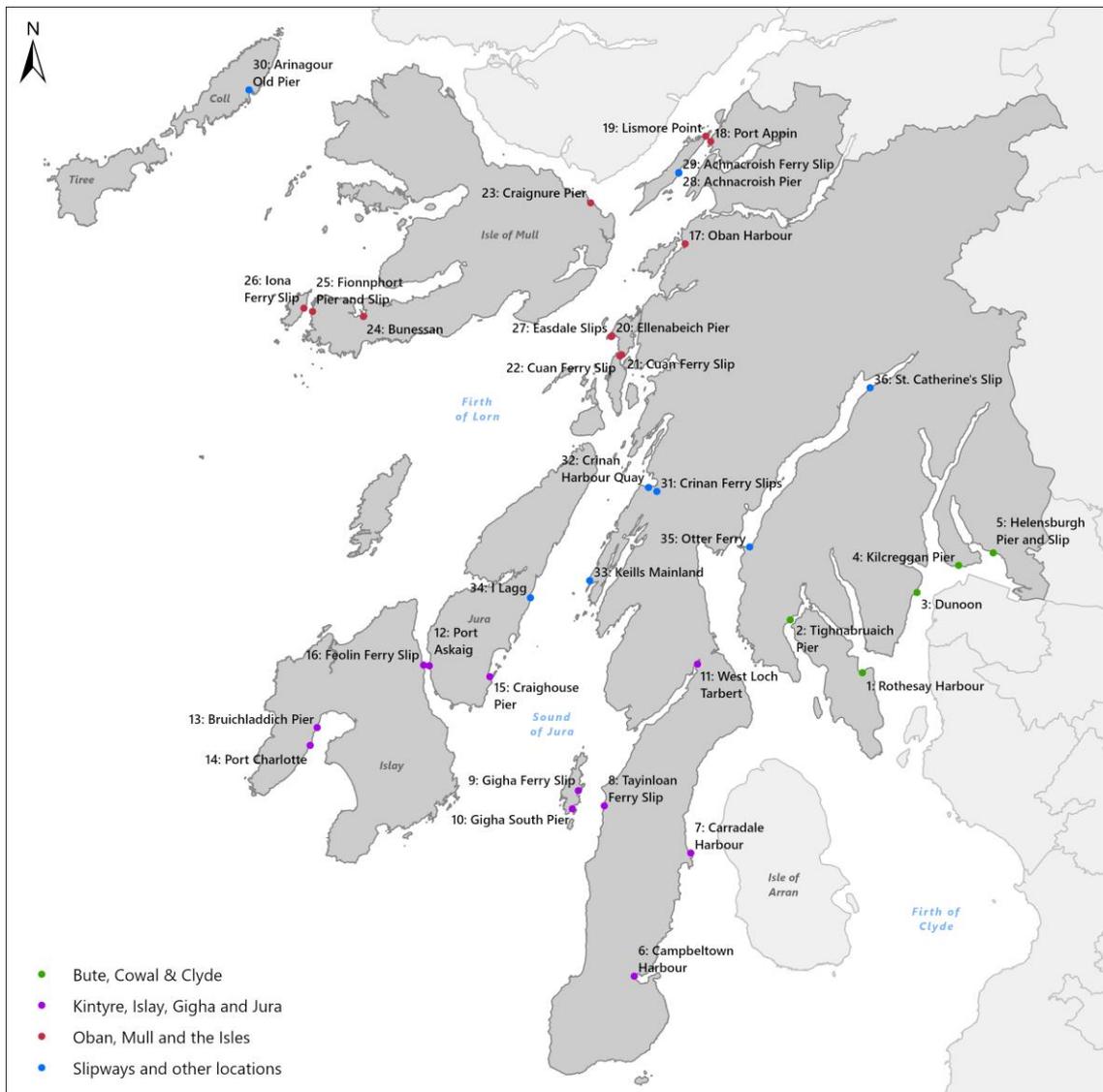
5.3.5 Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.

5.3.6 Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.

5.3.7 Port Askaig, by virtue of the 'Islay Piers Order 1904'.

5.3.8 In addition, the Council is also the Competent Harbour Authority in respect of Pilotage, under the requirements of the Pilotage Act 1987, at Campbeltown Harbour.

5.4 The marine facility map now appears as follows



5.5 For the purpose of the MSMS the locations are grouped into regions which include both SHAs and marine facilities as follows:

5.5.1 Bute, Cowal & Clyde

1. Rothesay Harbour [Statutory Harbour Authority]
2. Tighnabruaich Pier
3. Dunoon [Statutory Harbour Authority]
 - Dunoon Harbour Pier
 - Dunoon Harbour Jetty
4. Kilcreggan Pier
5. Helensburgh Pier

5.5.2 Kintyre, Islay, Gigha and Jura

6. Campbeltown Harbour [Statutory & Competent Harbour Authority]
 - Campbeltown old quay
 - Campbeltown new quay
 - Campbeltown Marina
 - Dalintober Jetty
7. Carradale Harbour [Statutory Harbour Authority]
8. Tayinloan Ferry Slip
9. Gigha Ferry Slip (Gigha)
10. Gigha South Pier (Gigha)
11. West Loch Tarbert
12. Port Askaig (Islay) [Statutory Harbour Authority]
13. Bruichladdich Pier (Islay)
14. Port Charlotte (Islay)
15. Craighouse Pier (Jura)
16. Feolin Ferry Slip (Jura)

5.5.3 Oban, Mull and the Isles

17. Oban Harbour [Statutory Harbour Authority]
 - Port Beag Slip
 - North Pier
 - Times Slip
18. Port Appin
19. Lismore Point (Lismore)
20. Ellenabeach Pier (Seil)
21. Cuan South Slip (Seil)
22. Cuan North Slip (Luing)
23. Easdale Slips (Easdale)
24. Craignure Pier (Mull) [Statutory Harbour Authority]
25. Bunessan Pier (Mull)
26. Fionnaphort Ferry Slip (Mull)
27. Iona Ferry Slip (Iona)

5.5.4 Slipways and other locations

28. Achnacroish Pier (Lismore)
29. Achnacroish Ferry Slip (Lismore)
30. Arinagour Old Pier (Coll)
31. Crinan Ferry Slips
32. Crinan Harbour Quay
33. Keills Mainland (Sound of Jura)
34. I Lagg (Jura / Sound of Jura)
35. Otter Ferry (Loch Fyne)
36. St. Catherine's Slip (Upper Loch Fyne)

6.0 Remedial Measures Action Plan

- 6.1 The PMSC Assurance Audit process is designed to provide a process of continuous improvement and learning. A Remedial Measures Action Plan was

created following previous audits and is noted in the table below with updates on progress.

Remedial Measures Action Plan: August 2023

Item No	Deficiency	Remedy	Status	Deadline
3	Legislation: The Marine Safety Management System not listing the relevant Acts or Orders	Ensure the latest version of the MSMS lists the relevant Acts and Orders.	The latest version of the MSMS contains a list of the relevant legislation	Completed
4	Appointment letters for Statutory Positions (Harbour Masters)	Issue Argyll & Bute Council appointment letters to Harbour Masters	Appointment letters issued for all Harbour Masters	Completed
5	<ul style="list-style-type: none"> a. Risk assessments for each location. b. Document stakeholder engagement c. MSMS does not stipulate review period or address Dynamic Risk Assessment. 	<ul style="list-style-type: none"> a. Enable MARNIS databank to be set up for all locations. b. Local stakeholder input to be kept on record or by email. c. MSMS to be reviewed with revisions. Dynamic Risk Assessment to be addressed in the document 	<p>ABPmer MARNIS support will set up 'Location tabs'. Volume II and III of the MSMS will be MARNIS based and contain site specific Standard Operating Procedures, checklists and Forms.</p> <p>Stakeholder engagement being recorded.</p> <p>Dynamic Risk Assessment addressed in the latest version of the MSMS</p>	Completed in MSMS MARNIS work completed August 2023.

		and at the locations.		
6	MSMS has no annex for all locations.	MSMS to be reviewed with revisions. All locations to be included as individual standard format annex.	MARNIS will hold Volume II & III which includes location specific information for each location.	MARNIS work completed August 2023.
9	MSP not assessed and performance published.	Marine Safety Plan to be assessed and performance published.	New format Marine Safety Plan published with review.	Completed

6.2 It remains officer's ambition to achieve full compliance with the Code and to this end the advice from the DP is being closely followed.

7.0 CONCLUSION

7.1 This report provides Members with an update on the progress towards full compliance with the PMSC.

8.0 IMPLICATIONS

8.1 Policy – Any changes to Council policies will have to be reflected in the Council's Marine Safety Management System (MSMS).

8.2 Financial - None arising from this report.

8.3 Legal - Failure to comply with the PMSC could have legal consequences following a marine incident.

8.4 HR - None.

8.5 Fairer Scotland Duty:

8.5.1 Equalities - protected characteristics - None directly arising from this report.

8.5.2 Socio-economic Duty - None directly arising from this report.

8.5.3 Islands - Compliance with the PMSC will help ensure safe and effective port operations.

8.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.

8.7 Risk - Compliance with the PMSC will minimise the risk of port operations.

8.8 Customer Service - Compliance with the PMSC will assure customers and port users; and assist council staff with safe operations.

Executive Director with responsibility for Roads and Infrastructure Services:

Kirsty Flanagan

Head of Roads and Infrastructure Services: Jim Smith

Policy Lead for Roads and Infrastructure: Councillor Andrew Kain

August 2023

For further information contact:

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APPENDIXES

Appendix A Marine Conservancy & Hydrographic Policy
Appendix B Navigational Safety, Pilotage & Towage Policy
Appendix C Marine Training Policy
Appendix D Enforcement Policy
Appendix E Volume I of the Marine Safety Management System