

PORT MARINE SAFETY CODE

1.0 INTRODUCTION

- 1.1 This report provides Members with an update on the status of Argyll & Bute Council as Harbour Authority and it's compliance with the Port Marine Safety Code (PMSC).
- 1.1.1 It presents the new 3 year Marine Safety Plan for approval (Appendix 1).
- 1.1.2 It presents a Moorings Policy for inclusion in the Marine Safety Management System (Appendix 2).
- 1.1.3 It presents the latest Assurance Audit Reports from our Designated Person (DP) for Rothesay Harbour (Appendix 3) and the Isle of Islay (Port Askaig, Bruichladdich, & Port Charlotte) (Appendix 4).
- 1.1.4 It also presents the DP Annual Report (Appendix 5).

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 Moorings Policy for inclusion with the Marine Safety Management System (MSMS); and
 - 2.1.3 Approve the new Marine Safety Plan for 2024 to 2026.

3.0 DETAIL

- 3.1 **Statutory Harbour Authority areas**

3.1.1 The continual review of the Council's legislation has confirmed that Argyll & Bute Council is the Harbour Authority for Bruichladdich Pier on Islay.

3.1.2 Argyll & Bute Council is a Statutory Harbour Authority (SHA) at 8 locations and marine asset owner at a further 28 facilities. The SHA locations are:

1. Bruichladdich Pier, by virtue of the 'Islay Piers Order, 1904'.

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

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

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

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

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

7. Port Askaig, by virtue of the 'Port Askaig Acts and Order 1904 to 1975'.

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

3.2 New Marine Safety Plan

3.2.1 The PMSC sets out a national standard for every aspect of port marine safety 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. Conservancy

3.2.2 Every 3 years the Harbour Authority is required by the PMSC to produce a Marine Safety Plan to work alongside the MSMS and our Marine Policies.

3.2.3 The Plan is developed for a fixed 3 year period and contains the targets set and agreed by the service for the period from 2024 to 2026.
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.

3.2.4 This plan confirms Argyll & Bute Council's commitment to undertaking the proper management and regulation of marine operations within the scope of its powers and authority at the facilities under our jurisdiction and can be found at Appendix 1.

3.3 Moorings Policy

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

3.3.2 Argyll & Bute Council Harbour Board has approved a set of policies in support of the management and regulation of marine operations that aim to safeguard our facilities, our customers, the public and the environment within our jurisdictions.

To date the Policies approved by the Harbour Board are:

Marine Conservancy & Hydrographic Policy;

Navigational Safety, Pilotage & Towage Policy;

Marine Training Policy; and

Enforcement Policy.

3.3.3 Due to the number of moorings within our Harbour Authority areas and to clarify the intentions of the Council as Harbour Authority, it is proposed to add a Moorings Policy to the MSMS. This is at Appendix 2 and seeks to clarify and rectify any misrepresentations and misunderstandings as to the role of a Harbour Authority in relation to Crown Estates Scotland and the mooring owners.

3.4 Compliance with the PMSC

3.4.1 Argyll & Bute Council achieves compliance with the PMSC by implementing, monitoring and reviewing the MSMS. The MSMS includes the Policies and procedures which seek to enhance the safety at all of our facilities and is externally audited by the Designated Person.

3.4.1 The Assurance Audit at Rothesay took place on 12th October 2023 and the report can be found at Appendix 3.

3.4.2 The Assurance Audit took place on Isle of Islay on 11th May 2023 and 12th October 2023 at Port Askaig, Bruichladdich Pier and Port Charlotte.

The Audit Report can be read at Appendix 4

- 3.4.3 The audits carried out at Rothesay Harbour, Port Askaig, Bruichladdich Pier and Port Charlotte during 2023 have identified through evidence sampled during the audit and onsite observations, that the Council has met the requirement of the Port Marine Safety Code.
- 3.4.4 Although the Council is in compliance with the PMSC (the Code) as it stands at present, the Code itself is undergoing a review with a new publication due in the coming months.
- 3.4.5 The Duty Holder is therefore required to submit a declaration of compliance to the Maritime & Coastguard Agency (MCA) only after the new Code is available and external Assurance Audit confirms compliance with the 'new' version's provisions.

3.5 Improvement Action Plan

- 3.5.1 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. In summary, the non-compliance issues have been addressed and Argyll & Bute Council can be said to meet the requirements of the Port Marine Safety Code.
- 3.5.2 An Improvement Action Plan will be produced and reported to the Duty Holder and Harbour Board with the current Audit recommendations prioritised.

4.0 CONCLUSION

- 4.1 This report provides Members with an update on the status of Argyll & Bute Council as Harbour Authority and its compliance with the Port Marine Safety Code (PMSC); presents the new 3 year Marine Safety Plan for approval; presents a Moorings Policy for inclusion in the Marine Safety Management System; presents the latest Assurance Audit Reports from our Designated Person (DP) for Rothesay Harbour and the Isle of Islay (Port Askaig, Bruichladdich, & Port Charlotte); and It also presents the DP Annual Report.

5.0 IMPLICATIONS

6.1 Policy

None directly arising from this report.

6.2 Financial

None arising from this report

6.3 Legal

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

6.4 HR

None

6.5 Fairer Scotland Duty:

6.5.1 Equalities - protected characteristics

None arising from this report.

6.5.2 Socio-economic Duty

None directly arising from this report.

6.5.3 Islands

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

6.6 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.

6.7 Risk

Compliance with the PMSC will minimise the risk of port operations.

6.8 Customer Service

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

6.9 The Rights of the Child (UNCRC)

None directly arising from this report.

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APPENDICES

Appendix 1

Argyll & Bute Council Marine Safety Plan 2024 to 2026

Appendix 2

Moorings Policy

Appendix 3

Designated Person Audit Report – Rothesay

Appendix 4

Designated Person Audit Report – Islay

Appendix 5

Designated Person Annual Report