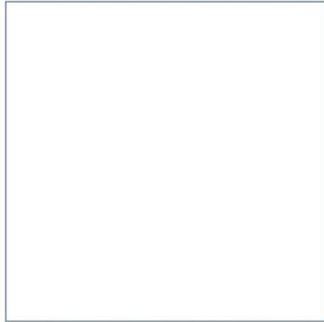
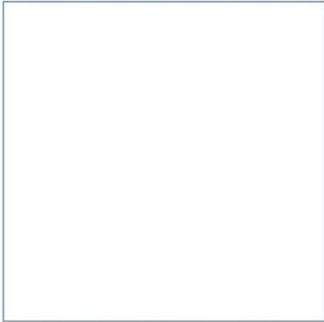
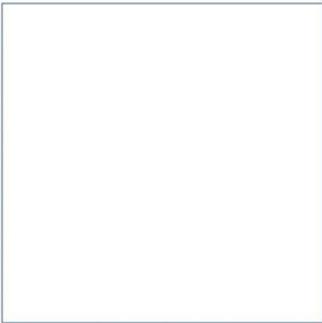


Argyll and Bute Council

Designated Person (PMSC)

Annual Report 2024

February 2024



Innovative Thinking - Sustainable Solutions

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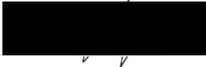
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1 Introduction

This report is provided by ABPmer to Argyll and Bute Council and is written to inform the Harbour Board and Duty Holder of their current status in respect of compliance with the Port Marine Safety Code (PMSC) published by the Department for Transport (DfT) and regulated through the Maritime and Coastguard Agency (MCA). The Port Marine Safety Code is referred to within this report as 'the Code' and the accompanying Guide to Good Practice is abbreviated to 'the GtGP' (DfT, 2018). This report summarises activities carried out by ABPmer as the supplier of Designated Person services between 01 January 2023 and 31 December 2023.

2 Port Marine Safety Code

The Code sets out a national standard for every aspect of port marine safety (DfT, 2016). The aim of the Code is to enhance safety for everyone who uses or works in the UK port marine environment. In order to successfully implement the requirements of the Code, ten key measures are identified as relevant for all Harbour Authorities to consider. These are summarised below:

Table 1. Port Marine Safety Code Ten Key Measures

No	Ten Key Measures Required for Successful Implementation of the Code	
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.
2	Designated Person	A 'Designated Person' must be appointed to provide independent assurance about the operation of the marine safety management system. The Designated Person must have direct access to the Duty Holder.
3	Legislation	The Duty Holder must review, and be aware of, their existing powers based on local and national legislation; seeking additional powers if required, in order to promote safe navigation.
4	Duties and Powers	Comply with the duties and powers under existing legislation, as appropriate.
5	Marine Risk Assessment	Ensure all marine risks are formally assessed and are eliminated, or as low as reasonably practicable in accordance with good practice.
6	Marine Safety Management System	Operate an effective marine safety management system (MSMS), which has been developed after consultation, is based on formal risk assessment, and has an appropriate approach to incident investigation.
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.
8	Competence	Use competent people (i.e., trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.
9	Plan	Publish a safety plan, showing how the standard in the Code will be met, and a report assessing the performance against the plan at least every three-years.
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.

2.1 Argyll and Bute Council and the Code

Argyll and Bute Council is a **Statutory Harbour Authority** at eight locations and a **marine asset owner** at a further 28 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

1. **Bruichladdich Pier**, by virtue of the 'Islay Piers Order, 1904'.
2. **Campbeltown Harbour**, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
3. **Carradale Harbour**, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
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'.

The Council is the marine asset owner and, in most cases, operator of 28 piers, wharves and slipways. Some of these marine assets are located within the jurisdiction of a Statutory Harbour Authority (for example, Kilcreggan and Helensburgh Piers are located in Clydeport's harbour). Others are located outside of Harbour Authority boundaries (for example, Iona and Fionnphort). In all situations, the Council is responsible for marine safety and must manage these facilities in compliance with the requirements of the Code.

2.2 Assurance audits

The primary role of the Designated Person is to provide independent assurance about the operation of the marine safety management system. This is achieved through assurance auditing at ports, harbour, piers and other marine facilities. The following audits were conducted during 2023:

- 12 October 2023: Rothesay Harbour.
- 11 May 2023 and 12 October 2023: Port Askaig, Bruichladdich Pier and Port Charlotte.

3 Audit Outcome

The following section provides the outcome of the audits as a comparison against the Code's ten key measures. The following colour coding is used:

	A red identifies a non-compliance with the requirements of the Code or a breach of legal obligations, which may also compromise marine safety, environmental safety or presents a significant reputational risk.
	An amber is an Opportunity for Improvement, such as an update to information, procedural change, or a non-conformity with local operating instructions; addressing these items may improve the overall system standard.
	A green indicates an area of the Code which is delivered satisfactorily.
	Areas of best practice have also been identified as part of the audit's outcome.

Table 2. Rothesday Harbour

No	Ten Key Measures Required for Successful Implementation of the Code		RAG
1	Duty Holder	The Duty Holder is the Council's Executive Director of Development and Infrastructure Services. The Harbour Board provides policy direction to the officers of the Authority.	
2	Designated Person	Argyll and Bute Council has appointed Monty Smedley of ABPmer as its Designated Person, the DP provides an annual briefing to the Duty Holder and Board.	
3	Legislation	The MSMS lists local Acts and Orders. The Council has reviewed local legislation. Byelaws are outdated - a consolidation order covering all ports, harbours and piers is recommended.	
4	Duties and Powers	Use of Direction Powers and enforcement processes are not clearly laid out in Standard Operating Procedures (SOPs). The Council does not have a formalised process for workboat checks.	
5	Marine Risk Assessment	Marine Risk Assessment are in place and fully reviewed. Stakeholders were involved in the initial drafting of assessments but are not routinely involved in reviews.	
6	Marine Safety Management System	The Council issues policy for its ports, harbours and piers, with an accompanying MSMS. Further development of SOPs for port operations would be useful to document custom and practice.	
7	Review and Audit	The Council has an external and internal audit structure in place. The last external audit was carried out at Oban, Mull and Iona in September 2022.	
8	Competence	A training policy is in place. Storing of qualifications should be reviewed (i.e., across all Council ports and harbours) to ensure that all mandatory training has been completed.	
9	Plan	A 'Marine Safety Plan' for 2021 to 2023 is in place. The previous plan for 2018 to 2020 has been assessed and the Organisation's performance published as required by the Code.	
10	Aids to Navigation	As the Local Lighthouse Authority, the Council meets and exceeds the availability criteria: Category 2 = 99.56% (target is 99.0%), Category 3 = 100% (target is 97.0%)	

Items of best practice noted during the Rothesay audit include the following topics:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.56% for Category 2 Aids.
- Standard Operating Procedures (SOPs) are reviewed annual at Rothesay Harbour, with staff signing acknowledgement that they have read and understood the content. This is considered to be a best practice approach as it provides individual tracking and accountability.
- The Marine Safety Management System (MSMS) in Section 5.2 provides information Dynamic Risk Assessment (DRA) and the requirements of the Council in DRA delivery. At Rothesay Harbour, pocket sized double-sided reporting cards are used to capture DRA risk outcomes; this is recognised as an area of best practice.

Table 3. Isles of Islay Audit (Port Askaig, Bruichladdich Pier and Port Charlotte)

No	Ten Key Measures Required for Successful Implementation of the Code		RAG
1	Duty Holder	The Duty Holder is the Council's Executive Director of Development and Infrastructure Services. The Harbour Board provides policy direction to the officers of the Authority.	Green
2	Designated Person	Argyll and Bute Council has appointed Monty Smedley of ABPmer as its Designated Person, the DP provides an annual briefing to the Duty Holder and Board.	Green
3	Legislation	The MSMS lists local Acts and Orders. The MSMS does not list Bruichladdich Pier as an SHA. A consolidation order covering all ports, harbours and piers is recommended.	Yellow
4	Duties and Powers	Use of Direction Powers and enforcement processes are not clearly laid out in Standard Operating Procedures (SOPs). The Council does not have a formalised process for workboat checks.	Yellow
5	Marine Risk Assessment	Marine Risk Assessment are in place and fully reviewed. Stakeholders were involved in the initial drafting of assessments but are not routinely involved in reviews.	Yellow
6	Marine Safety Management System	The Council issues policy for its ports, harbours and piers, with an accompanying MSMS. Further development of SOPs for Port Askaig, Bruichladdich Pier and Port Charlotte is required.	Yellow
7	Review and Audit	The Council has an external and internal audit structure in place. The last external audit was carried out at Oban, Mull and Iona in September 2022.	Green
8	Competence	A training policy is in place. Storing of qualifications should be reviewed (i.e., across all Council ports and harbours) to ensure that all mandatory training has been completed.	Yellow
9	Plan	A 'Marine Safety Plan' for 2021 to 2023 is in place. The previous plan for 2018 to 2020 has been assessed and the Organisation's performance published as required by the Code.	Green
10	Aids to Navigation	As the Local Lighthouse Authority, the Council meets and exceeds the availability criteria: Category 2 = 99.56% (target is 99.0%), Category 3 = 100% (target is 97.0%)	Green

One item of best practice was noted:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.56% for Category 2 Aids.

3.1 Assurance audit outcome

The Rothesay Audit, summarised in Table 2, demonstrates that the standard of the Code was met. Additionally, the Islay Ports and Piers also met the expectation of the Code.

It should be noted that several recommendations were made for Port Askaig.

The lack of Port or Pier onsite staff at Port Askaig, Bruichladdich and Port Charlotte means there is no-one immediately on-hand to monitor vessel traffic, interact with port users or respond to an incident. Whilst Bruichladdich and Port Charlotte do not have regular vessel traffic, Port Askaig is a busy port. It is **recommended that the Council conduct a review of staff resource** for its Ports and Piers on Islay.

4 Delivery Plan and Activities

During 2023, the Designated Person has attended the following:

- Meetings:
 - 02 March 2023: Designated Person presentation to the Harbour Board via MS Teams.
 - 20 June 2023: Business Day meeting, attended via MS Teams.
 - 27 June 2023: Council Harbourmasters' meeting, attended via MS Teams.
 - 19 July 2023: Oban Bay Management Group Meeting, attended via MS Teams.

This section provides a generalised plan for the Designated Person; this plan can be adapted to any developing needs of the Authority. Target activity delivery dates are shown below:

- Designated Person audit schedule:
 - September 2024: Campbeltown Harbour, Carradale Harbour, West Loch Tarbert Pier, Tayinloan, Gigha (ferry slip and south pier).

5 Designated Person Summary

The Council is responsible for eight Statutory Harbour Authorities and 28 marine facilities; all of which are required to operate to the standard of the Port Marine Safety Code.

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 minimum requirement of the Port Marine Safety Code.

The Duty Holder is advised to confirm its compliance with the Code to the Department for Transport at the next reporting opportunity. It should be noted that the Port Marine Safety Code has been updated and will be reissued by Government shortly (the expected date for publication is March or April 2024). It is possible that the 2024 Code will introduce new or amended requirements and will therefore require a comparison with existing provisions before concluding the Council's compliance status. Following the 2024 Code's publication, the Council will have between 6-12 months to make its self-declaration as part of the Compliance Exercise. Given the anticipated timescales, the Compliance Exercise is expected to be *circa* September 2024 to March 2025; this timescale will be confirmed by the MCA in due course.

6 References

Department for Transport, 2016. Port Marine Safety Code. Department for Transport (DfT), November 2016.

Department for Transport, 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016. Department for Transport (DfT), February 2018.

7 Abbreviations / Acronyms

DfT	Department for Transport
DP	Designated Person
GtGP	Guide to Good Practice
MCA	Maritime and Coastguard Agency
MS	Microsoft
MSMS	Marine Safety Management System
PMSC	Port Marine Safety Code
RAG	Red/Amber/Green
UK	United Kingdom

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

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