

# Public Document Pack

## **Argyll and Bute Council** **Comhairle Earra-Ghàidheal Agus Bhòid**

*Executive Director: Douglas Hendry*



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1 March 2023

### **SUPPLEMENTARY PACK 1**

**ARGYLL AND BUTE HARBOUR BOARD - ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AND BY MICROSOFT TEAMS on THURSDAY, 2 MARCH 2023 at 1:00 PM**, or at the conclusion of the Environment, Development and Infrastructure Committee, whichever is the later, which you are requested to attend.

I enclose herewith **item 6 (PORT MARINE SAFETY CODE)** which was marked to follow on the Agenda for the above meeting.

Douglas Hendry  
Executive Director

### **ITEM TO FOLLOW**

**6. PORT MARINE SAFETY CODE (Pages 3 - 160)**

Report by Executive Director with responsibility for Roads and Infrastructure Services

### **Argyll and Bute Harbour Board**

Councillor John Armour	Councillor Jim Lynch
Councillor Andrew Vennard	Councillor Garret Corner
Councillor Andrew Kain (Chair)	Councillor Ian MacQuire
Councillor Ross Moreland (Vice-Chair)	Councillor Amanda Hampsey

Contact: Hazel MacInnes Tel: 01546 604269

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**ARGYLL AND BUTE COUNCIL****ARGYLL AND BUTE HARBOUR BOARD****ROADS AND INFRASTRUCTURE SERVICES****2<sup>nd</sup> MARCH 2023**

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**PORT MARINE SAFETY CODE**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides an update on progress being made towards compliance with the Port Marine Safety Code (PMSC).
- 1.2 The PMSC represents 'good practice' as recognised by a wide range of industry stakeholders and a list of compliant ports is published every 3 years. It is officers ambition for Argyll and Bute Council to be included in the next edition of the list which will be compiled next year for publication in 2025.
- 1.3 The PMSC uses ten key measures as a baseline with which to rate compliance and this is assessed by the Council's Designated Person whose primary role is to provide independent assurance regarding the operation of the Marine Safety Management System.
- 1.4 In 2022 Assurance Audits were carried out at the following locations:  
06 September 2022: Oban.  
29 September 2022: Craginure.  
29 September 2022: Bunessan.  
29 September 2022: Fionnphort.  
29 September 2022: Iona.
- 1.5 The next scheduled external Assurance Audits by the Designated Person are planned for September 2023 in Rothesay and Islay.
- 1.6 Internal Audits are planned to aid in the preparations for the External Assurance Audit by the DP.
- 1.7 The Designated Person held Duty Holder training for Members of the Harbour Board on 5<sup>th</sup> September 2022.

Members of the Harbour Board are asked to:

- Note and consider this report;
- Note and consider the Designated Person's Annual Report (appendix A);

- Approve the new version (Volume I) of the Marine Safety Management System (appendix B); and
- Note and consider the Marine Safety Plan update (appendix C).



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ARGYLL AND BUTE COUNCIL

ARGYLL AND BUTE HARBOUR BOARD

ROADS AND INFRASTRUCTURE SERVICES

2<sup>nd</sup> MARCH 2023

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## PORT MARINE SAFETY CODE

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### 2.0 INTRODUCTION

- 2.1 This report provides an update on progress being made towards compliance with the Port Marine Safety Code (PMSC)
- 2.2 The PMSC (the code) 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 rated.
- 2.3 A Designated Person (DP) must be appointed to provide independent assurance regarding the operation of the Marine Safety Management System and this position was awarded to ABPmer in November 2020 with Monty Smedley appointed as DP.
- 2.4 Of the ten key measures used as a base line, three of these key measures were identified by the Designated Person as not being met at Council level and one was identified on Mull. This report will update on the measures taken to eradicate the deficiencies.
- 2.5 The DP Assurance Audit reports also highlighted three examples of 'Best Practice' including operations at Oban.
- 2.6 The DP will next audit Rothesay Harbour, Port Askaig, Port Charlotte Pier and Bruichladdich Pier which are planned for September 2023.
- 2.7 Close liaison is maintained between the Marine Management, Harbour Masters and the DP to facilitate real time compliance and advice. A remedial action plan towards full compliance with the code is contained in paragraph 4.5.

### 3.0 RECOMMENDATIONS

- 3.1 Members of the Harbour Board are asked to:-

- 3.1.1 Note and consider this report;
- 3.1.2 Note and consider the Designated Person's Annual Report (appendix A);
- 3.1.3 Approve the new version (Volume I) of the Marine Safety Management System (appendix B); and
- 3.1.4 Note and consider the Marine Safety Plan update (appendix C).

### **4.0 DETAIL**

- 4.1 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
- 4.2 On 6<sup>th</sup> September 2022 the DP carried out an Assurance Audit at Oban, attended by the Marine Operations Manager Scott Reid and Harbour Master Vicki McKenzie. The DP report found the operations there could be considered to be a safe and efficient marine operation which reflects Best Practice.
- 4.3 On 29<sup>th</sup> September 2022, assurance Audits were carried out on Mull and Iona in Craignure, Buessan, Fionnphort and Iona slipway, attended by Marine Operations Manager Scott Reid. The audits identified that the MSMS did not list the relevant Act or Order for Craignure and that measures were not being fully met for Buessan, Fionnphort and Iona with regard to specific information being available in the MSMS.
- 4.4 In addition to the site specific items, three areas were highlighted as not being met at a Council level and these are addressed below.
- 4.5 The PMSC Assurance Audit process is designed to provide a process of continuous improvement and learning. A Remedial Measures Action Plan was created following the audits and is noted in the table below with updates on progress.

### Remedial Measures Action Plan: March 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"> <li>a. Risk assessments for each location.</li> <li>b. Document stakeholder engagement</li> <li>c. MSMS does not stipulate review period or address Dynamic Risk Assessment.</li> </ul>	<ul style="list-style-type: none"> <li>a. Enable MARNIS databank to be set up for all locations.</li> <li>b. Local stakeholder input to be kept on record or by email.</li> <li>c. MSMS to be reviewed with revisions. Dynamic Risk Assessment to be addressed in the document</li> </ul>	<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 scheduled for May 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 scheduled for May 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

4.6 It is officers ambition to achieve full compliance with the Code and to this end the advice from the DP is being closely followed.

4.7 Ongoing actions towards administrative, Council wide compliance can be summarised as follows:

- An updated version of the Council's MSMS has been developed following the advice of the DP and will be fully compliant with the Code. It is separated into three volumes:
  - Volume I – Policies and Statements: This section which will appear on the Council website, sets out the Safety and Environmental Policies, Marine Safety Management Procedures and the Roles and Responsibilities of the office holders and staff concerned with the safety of marine operations.
  - Volume II – Maritime Assets: This will be MARNIS based, which is the Council's marine computer based management system. It will contain Port specific information; standard Processes and Procedures.
  - Volume III – System Documentation: This will also be MARNIS based and contain the port specific forms and checklists.
- MARNIS support and development will be coordinated and arranged with our own IT colleagues and ABPmer MARNIS Support around May 2023 so should be in place for the next round of Assurance Audits in September.

4.8 The new version of Volume I is appendix B and if approved will be published onto the Argyll & Bute Council web site.

4.9 Internal audits are an important check on the operational compliance at the ports and are carried out to assist in the identification and eradication of any deficiencies as a priority. These checks will continue in September 2023 at Rothesay and will continue to precede the External Assurance Audit timetable. They are carried out by our own Harbour Masters and helps the continuity of the standards across our ports.

## **5.0 CONCLUSION**

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

## **6.0 IMPLICATIONS**

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

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 directly 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.

**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 2022

**For further information contact:**

Scott Reid, Marine Operations Manager Tel: 01546 604 696

Jim Smith, Head of Roads and Infrastructure Services Tel: 01546 604 324

**APPENDIXES**

Appendix A Designated Person Annual Report 2023

Appendix B Volume I of the Marine Safety Management System

Appendix C Argyll & Bute Council Marine Safety Plan 2021 – 2023 (with completed 2017 – 2020 Plan)

Appendix D Port Marine Safety Code – Isles of Mull and Iona

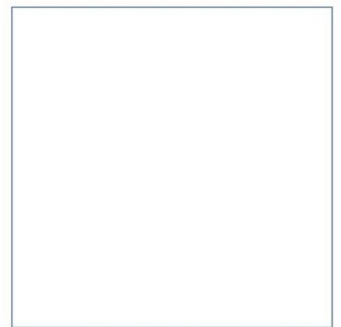
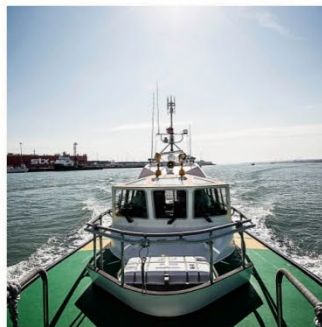
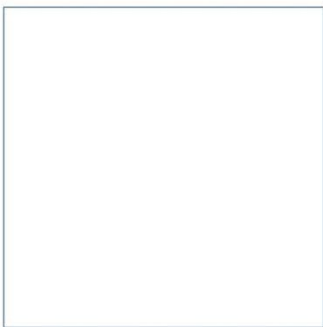
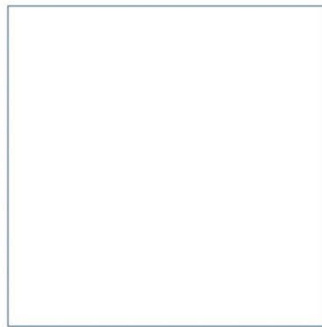
Appendix E Port Marine Safety Code – Oban

# Argyll and Bute Council

## Designated Person (PMSC)

Annual Report 2023

February 2023



Innovative Thinking - Sustainable Solutions

# Designated Person (PMSC)

Annual Report 2023

February 2023

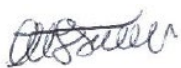




Source: <https://www.northpierpontons.com>



## Document Information

Document History and Authorisation		
<b>Title</b>	Designated Person (PMSC)	
	Annual Report 2023	
<b>Commissioned by</b>	Argyll and Bute Council	
<b>Issue date</b>	February 2023	
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Date	Version	Revision Details
12 January 2023	1	Issued for client review
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Prepared (Designated Person)	Approved (Quality Manager)	Authorised (Project Director)
Monty Smedley	Richard Vaughan	Gordon Osborn
		

### Suggested Citation

ABPmer, (2023). Designated Person (PMSC), Annual Report 2023, ABPmer Report No. R.4140.  
A report produced by ABPmer for Argyll and Bute Council, February 2023.

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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 2022 and 31 December 2022.

## 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, which has been developed after consultation, is based on formal risk assessment, and refers to 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 five locations and a **marine asset owner** at a further 34 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

- **Oban North & South Pier**, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
- **Dunoon Harbour**, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
- **Rothesay Harbour**, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.
- **Campbeltown Harbour**, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
- **Craignure Harbour**, by virtue of the Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961.

The Council is the marine asset owner and, in most cases, operator of 34 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 2022:

- 06 September 2022: Oban North and South Pier PMSC audit.
- 29 September 2022: Craignure Harbour PMSC audit.
- 29 September 2022: Bunessan Pier PMSC audit.
- 29 September 2022: Fionnphort Pier and Slipway PMSC audit.
- 29 September 2022: Iona Slipway PMSC audit.

## 3 Audit Outcomes

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 <b>non-compliance</b> 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. Oban North and South Pier Audit

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 Marine Safety Management System <b>does not list relevant Acts or Orders</b> for Oban North Pier, nor are the harbour limits mapped as described in Section 22 and 18 of the 1896 Act.	Red
4	Duties and Powers	Annual exercises of both the Oil Pollution Response Plan and Emergency Plan at Oban would be beneficial. Use of Direction Powers and enforcement processes are not clearly laid out.	Yellow
5	Marine Risk Assessment	The <b>MSMS does not stipulate review frequency, risk assessment review with stakeholders should be recorded.</b> Marine risk assessments for Oban North Pier are in place and current.	Red
6	Marine Safety Management System	The Council produces a Marine Safety Management System [version 11, May 2020]. The MSMS is presented as a manual with supporting Annexes for individual ports, harbours and piers.	Green
7	Review and Audit	The Council has an external and internal audit structure in place. The last internal audit was carried out at Oban in August 2022 and was a comprehensive check against the GtGP.	Green
8	Competence	Training policy requires review and approval by the Board. The training matrix should be expanded to include all roles. Storing of qualifications should be reviewed (i.e., local office or centrally).	Yellow
9	Plan	A 'Marine Safety Plan' for 2021 to 2023 is in place. <b>The previous plan for the years 2018 to 2020 has not been assessed</b> and the Organisation's performance published as required by the Code.	Red
10	Aids to Navigation	As the Local Lighthouse Authority, the Council meets and exceeds the availability criteria: Category 2 = 99.8% (target is 99.0%), Category 3 = 100% (target is 97.0%)	Green

Items of best practice noted during the Oban 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 99.8% for Category 2 Aids.
- At the time of audit, all Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended Duty Holder Training. The Marine Safety Plan has an objective of 100% attendance for Duty Holder training.
- The Oban North Pier pontoons, Oban Times Slipway and Oban North Pier are well maintained, managed and run by a dedicated team of harbour operatives lead by the Harbour Master. The Pier and Pontoons are considered to be a safe and efficient marine operation.

Table 3. Isles of Mull and Iona Audit (Craignure, Bunessan, Fionnphort and Iona)

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 Marine Safety Management System <b>does not list relevant Acts or Orders for Craignure</b> . Bunessan, Fionnphort and Iona are marine facilities and do not have their own local legislation.	Red
4	Duties and Powers	Consultation processes with local stakeholders is not in place (or formalised). Bunessan has no bathymetric survey which is a non-conformity with the Council's hydrographic policy.	Yellow
5	Marine Risk Assessment	There are <b>no marine risk assessments</b> or incident recording for <b>Bunessan, Fionnphort and Iona</b> . Craignure assessments are in place. The MSMS does not stipulate review frequency.	Red
6	Marine Safety Management System	Whilst the Council provides a Marine Safety Management System (MSMS) manual [version 11, May 2020]; there is <b>no Annex for Bunessan, Fionnphort and Iona</b> . Craignure is included.	Red
7	Review and Audit	External PMSC audits are scheduled. There is no evidence that the unstaffed facilities at Craignure, Bunessan, Fionnphort and Iona have been included in internal audits.	Yellow
8	Competence	Training policy requires review and approval by the Board. The training matrix should be expanded to include all roles. Storing of qualifications should be reviewed (i.e., local office or centrally).	Yellow
9	Plan	A 'Marine Safety Plan' for 2021 to 2023 is in place. <b>The previous plan for the years 2018 to 2020 has not been assessed</b> and the Organisation's performance published as required by the Code.	Red
10	Aids to Navigation	As the Local Lighthouse Authority, the Council meets and exceeds the availability criteria: Category 2 = 99.8% (target is 99.0%), Category 3 = 100% (target is 97.0%)	Green

Items of best practice noted during the Craignure, Bunessan, Fionnphort and Iona audits 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 99.8% for Category 2 Aids.
- At the time of audit, all Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended Duty Holder Training. The Marine Safety Plan has an objective of 100% attendance for Duty Holder training.

### 3.1 Assurance audit outcome

From Table 2 and 3, it is evident that none of the audits established that the Code was fully implemented. Some of the identified non-compliances related to Council wide issues, such as the review of the previous marine safety plan. Others were specific to the location, such as the non-retention of local Acts and Orders. The full audit reports provide the Council with the detailed findings and recommendations for observations, non-conformance and non-compliances.

## 4 Delivery Plan and Activities

During 2022, the Designated Person has attended the following:

- Meetings:
  - 01 February 2022: Council Harbourmasters' meeting, attended via MS Teams.
  - 03 March 2022: Designated Person presentation to the Harbour Board via MS Teams.
  - 04 November 2022: Council Harbourmasters' meeting, attended via MS Teams.
  - 12 December 2022: Harbour Board Business Day, attended via MS Teams.
- Training:
  - 05 September 2022: Duty Holder training run onsite at Oban.

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 2023: Rothesay, Port Askaig, Port Charlotte Pier, Bruichladdich Pier.
  - September 2024: Campbeltown, Carradale Harbour, West Loch Tarbert Pier.

## 5 Designated Person Summary

The Council is responsible for five Statutory Harbour Authorities and 34 marine facilities; all of which are required to operate to the standard of the Port Marine Safety Code. The audits carried out at Oban, Craignure, Bunessan, Fionnphort and Iona during 2022 have identified that a number of the Code's requirements are met. It is concluded that the Council is not in compliance with the Code at this time.

It does not necessarily follow that other marine facilities will demonstrate a similar pattern, however some of the non-compliances and observations identified by the 2022 audits sit at Council level (for example, Marine Safety Plan review). Others are localised items which the relevant harbour team can address (for example, local Acts and Orders).

The Audits also identified areas of best practice, including training provision for Duty Holders, aids to navigation performance and the attentive site management by the harbour staff at Oban.

## 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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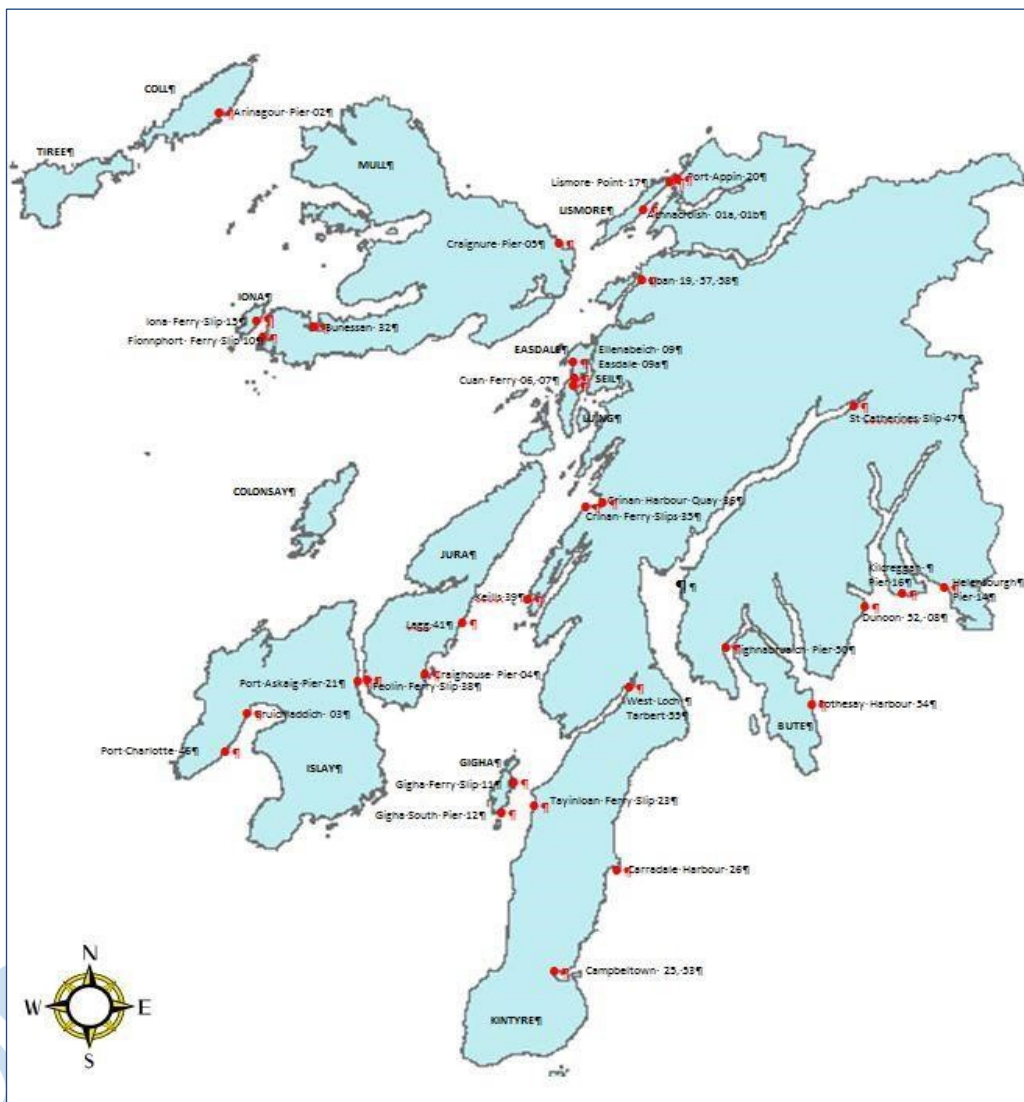
# MARINE SAFETY MANAGEMENT SYSTEM

## Volume I POLICIES & STATEMENTS





## MARINE SAFETY MANAGEMENT SYSTEM



### DOCUMENT APPROVAL

Designation	Name	Signature	Date
Duty Holder, Director of Development & Infrastructure	Kirsty Flanagan		

Marine Operations Manager	Scott Reid		
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### MARINE OPERATION PROCEDURES – DISTRIBUTION LIST

1	Kirsty Flanagan – Duty Holder, Director of Development & Infrastructure
2	Jim Smith – Head of Roads & Amenity Services
3	Scott Reid – Marine Operations Manager
4	Allan Finlay – Technical Officer
5	Alex Leslie – Technical Officer
6	Stephen Scally – Campbeltown Harbour Master (for sharing with all harbour staff)
7	Vicki McKenzie – Oban Harbour Master (for sharing with all harbour staff)
8	Paul Lambert – Dunoon Harbour Master (for sharing with all harbour staff)
9	Peter Welsh – Rothesay Harbour Master (for sharing with all harbour staff)
10	Gavin Walker – Kilcreggan Pier master (for sharing with all pier staff)
11	Julie Hendry- Admin. Officer Marine and Ferries Operations
12	Montgomery Smedley – Designated Person, ABPmer
13	HB Member
14	HB Member
15	HB Member
16	HB Member
17	HB Member
18	HB Member
19	HB Member

### MARINE SAFETY MANAGEMENT SYSTEM – DOCUMENT RECORD

Revision No.	Amendment Date	By	Revision History
Draft	Jan 2023	SR	Document created – Draft for approval

01	TBC	MS	DP comments
02	TBC	KF	Duty Holder comments
03	TBC	HB	Harbour Board approval
04	TBC		Web Version for Public Viewing

### ABBREVIATIONS

Abbreviation	Detail
<b>A &amp; B C</b>	Argyll and Bute Council
<b>ALARP</b>	As Low As Reasonably Practicable
<b>CHA</b>	Competent Harbour Authority
<b>DP</b>	Designated Person
<b>DRA</b>	Dynamic Risk Assessment
<b>FSA</b>	Formal Safety Assessment
<b>HSE</b>	Health & Safety Executive
<b>MAIB</b>	Marine Accident Investigation Branch
<b>MCA</b>	Maritime and Coastguard Agency
<b>MOM</b>	Marine Operations Manager

<b>MSMS</b>	Marine Safety Management System
<b>NRA</b>	Navigation Risk Assessment
<b>NLB</b>	Northern Lighthouse Board
<b>PMSC</b>	Port Marine Safety Code
<b>SHA</b>	Statutory Harbour Authority

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## 1. Introduction

Argyll and Bute Council is a Statutory Harbour Authority at five locations and a marine asset owner at a further 34 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

- Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
- Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
- Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.
- Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
- Craignure Harbour, by virtue of the Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961.

Argyll and Bute Council manage these piers and harbours and as Competant Harbour Authority (CHA), Statutory Harbour Authority (SHA) or Marine Asset Owners and has responsibilities and duties under the Port Marine Safety Code, health and safety, environmental and maritime legislation & guidance.

The Port Marine Safety Code ('the Code') sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses, or works in, the UK port marine environment. It is authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT, 2016).

## 1.0 Argyll and Bute Council

Argyll and Bute Council is the Harbour Authority or Asset Owner recognised under 'The Code' for the following locations:

### 1.0.1 Bute, Cowal & Clyde

- Rothesay
  - Tighnabruaich
- Dunoon
- Kilcreggan
  - Helensburgh

### 1.0.2 Kintyre, Islay, Gigha and Jura.

- Campbeltown
  - Carradale
  - Tayinloan
  - Gigha
  - West Loch Tarbert
  - Port Askaig
  - Feolin
  - Bruichladdich
  - Port Charlotte
  - Craighouse

### 1.0.3 Oban, Lorn & The Isles

- Oban Harbour
  - Appin
  - Lismore Point
  - Easdale
  - Ellenabeach
  - Cuan North
  - Cuan South
  - Craignure
  - Bunessan
  - Fionnaphort
  - Iona

Other slipways for recreational use are maintained by Argyll & Bute Council

## 1.1 PMSC Requirements

The Port Marine Safety Code sets out a Standard for Marine Safety in UK Ports and Harbours

To ensure compliance with The Code, Harbour Authorities must address the following measures:

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
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.	1.6-1.8, 1.10, 1.16-1.17
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.	1.11-1.12
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.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
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.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
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 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

The Marine Safety Management System (MSMS) procedures and guidelines fulfil the requirements of the Port Marine Safety Code (PMSC) including but not limited to, the following:

- Making risk control the basis of all marine activities, procedures and regulations applied to or required of port users;
- Using risk assessment to identify the requirement for navigation aids;
- Applying risk assessment to all harbour works;
- Subjecting wrecks to risk assessment and programming periodic review;
- Maintaining systems to implement the findings of risk assessments;
- Identifying and designating safe pilot boarding and landing areas;
- Applying and adhering to current pilot transfer arrangement regulations;
- Reporting deficiencies on visiting vessels;

- Providing procedural advice for giving Directions in relation to dangerous vessels or substances;
- Regulating the use of harbour craft;
- Maintaining and developing a competence based training scheme to support delivery of all marine functions;
- Maintaining appropriate plans and procedures for emergency response and associated training/exercises.

## 1.2 Scope of the Marine Safety Management System (MSMS)

The Port Marine Safety Code requires Harbour Authorities to demonstrate compliance with the Code by the development and implementation of Policies and Procedures commensurate with Marine Operations that take place within their jurisdiction. The MSMS, as administered and managed applies to marine operations and activities within The Council statutory areas of jurisdiction.

The scope of the MSMS includes:

- Port and Harbour Operations
- Commercial shipping operations;
- Marine leisure and sports activities; and
- Marine operations undertaken by any support or service organisation; including dredging, ship and craft towage, pilot boarding and landing, mooring and line handling and other marine services.

## 1.3 Structure of the MSMS

The Argyll and Bute Council's Marine Safety Management System consists of:

**Volume I - Policies & Statements:** This Section sets out the Safety and Environmental Policies, Marine Safety Management Procedures and the Roles and Responsibilities of office holders and staff concerned with ensuring the safety of Marine Operations within the Councils area of responsibility.

**Volume II – Maritime Assets:** This Section contains Port specific information and standard Processes and Procedures applicable across Council Marine Assets.

**Volume III – System Documentation:** This Section contains Port Specific Processes and Procedures which although tailored to each individual Port will follow a common structure to ensure consistency across all assets.

## 1.4 National and Local Legislation

The Council's Statutory Harbour Authorities are namely:

- Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
- Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
- Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.
- Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
- Craignure Harbour, by virtue of the Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961.

Argyll and Bute Council is committed to ensuring its operations are carried out in full compliance with all relevant National and Local Legislation. The Council will provide high quality and efficient services and will regulate the activities throughout its Piers and Harbours ensuring that all National Legislation, Local Bylaws and Directions are enforced and complied with.

## 1.5 Training

Argyll & Bute Council will ensure that everyone who has responsibilities or is involved with the safety of navigation, is qualified and competent to do the job; and will ensure staff meet the nationally agreed standards of competence, or alternatively be able to show that their local competency standards are fully equivalent.

The general principles in relation to staff competence and development as outlined in the PMSC are:

- Systems developed by an authority with the aim of making best use of appropriate powers are likely to fail unless those people assigned any role in the system are competent and trained to nationally agreed standards;
- The foundation to these standards is an understanding that securing port safety is a team operation demanding an appreciation of the work of other specialists;
- Harbour authorities should assess the fitness of all persons appointed to positions with responsibility for the safety of navigation; and
- Harbour authorities should adopt a training strategy that develops a shared understanding of their safety management systems and promote the involvement of port users in training programmes.

### 1.5.1 Argyll & Bute Council Training Policy

It is Argyll and Bute Council policy that officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety.

Appropriate and effective training and the associated knowledge and skill of marine personnel are essential elements that enable the facilitation and management of navigational safety. To that end, and in compliance with the requirements of the PMSC, the Argyll and Bute Council Harbour Board shall:

- Ensure new staff receive induction training;
- Ensure that the annual training requirements, including in-house, emergency and counter-pollution training, for each member of staff will be assessed and a programme implemented; and
- Training needs will be considered during job appraisal;
- Adopt the levels of knowledge and skill for marine personnel associated with the international, national and local standards in support of the PMSC or demonstrate and document that any standards adopted are fully equivalent;
- Ensure that adequate resources are made available to maintain the established standards of knowledge and skill required by marine personnel;
- Assess the suitability of all persons appointed to positions with responsibility for safety of navigation to ensure the required standards of knowledge and skill are met;
- Ensure that all marine personnel are competent to perform the duties allocated to them and are encouraged to develop their skills and expertise beyond that immediately necessary to perform their primary functions so that they are well equipped and prepared for further advancement and career development;
- Establish and maintain an appropriate and effective ongoing schedule of marine training for marine staff;
- Promote the involvement of port users, allied services and other stakeholders in Argyll and Bute Council training programme as necessary;
- Facilitate and encourage exchange training and familiarisation between different marine disciplines as required;
- Establish and maintain an effective ongoing schedule of emergency management and response training and exercises;
- Establish a regular review and assessment programme of all Argyll and Bute Council marine training to ensure that standards are maintained, and that training is appropriate, relevant and cost effective;

- Ensure that personnel involved in the design and facilitation of training and assessment are appropriately qualified; and
- Ensure that appropriate training records are maintained.

## 1.5.2 Training Plan Responsibilities

**Table 1: Training Plan Responsibilities**

<b>Post</b>	<b>Training Responsibility</b>
Head of Roads and Amenity Services	Executive Director
Marine Operations Manager	Head of Roads and Amenity Services
Harbour Masters	Marine Operations Manager
Technical Officers	Marine Operations Manager
Assistant Harbour Masters	Harbour Masters
Pier Operatives	Harbour Masters
Ferry Operatives	Marine Operations Manager

## 1.5.3 Training Matrix

The Marine Operations Department shall maintain a training matrix for all staff and the respective line managers are responsible for keeping it up-to-date.

## 2. Policies

Argyll and Bute Council has developed Policies to ensure its Marine Operations are safe and in compliance with the Port Marine Safety Code. The primary purpose of these Policies is to provide an overall standard for marine operations throughout Argyll and Bute Council areas of jurisdiction. They also provide a reference point for a variety of operational decisions including the selection of resources and the design and implementation of safe working practices.

The Policies are:

- Council Health and Safety Policy
- Consultation Policy
- Risk Assessment Policy
- Environmental Policy
- Training Policy
- Navigation Safety Policy
- Safety of Navigation Policy
- Hydrographic Policy
- Pilotage Policy
- Enforcement Policy

### 2.1 Policy Review

The Marine Management Team shall undertake a formal review of all marine policies on a three yearly basis or as circumstances dictate. See Safety Management Plan.

### 2.2 Commitment Statement

The Executive Director, Development and Infrastructure Services as “Duty Holder” and the person with ultimate responsibility, has committed to compliance with the requirements of the PMSC. Furthermore, it is committed to ensuring that adequate resources are available to discharge its navigational safety obligations.

The purpose of this document is to show a link between the policies set by the Argyll Bute Harbours Board and the management arrangements, controls and provisions that discharge those policies.

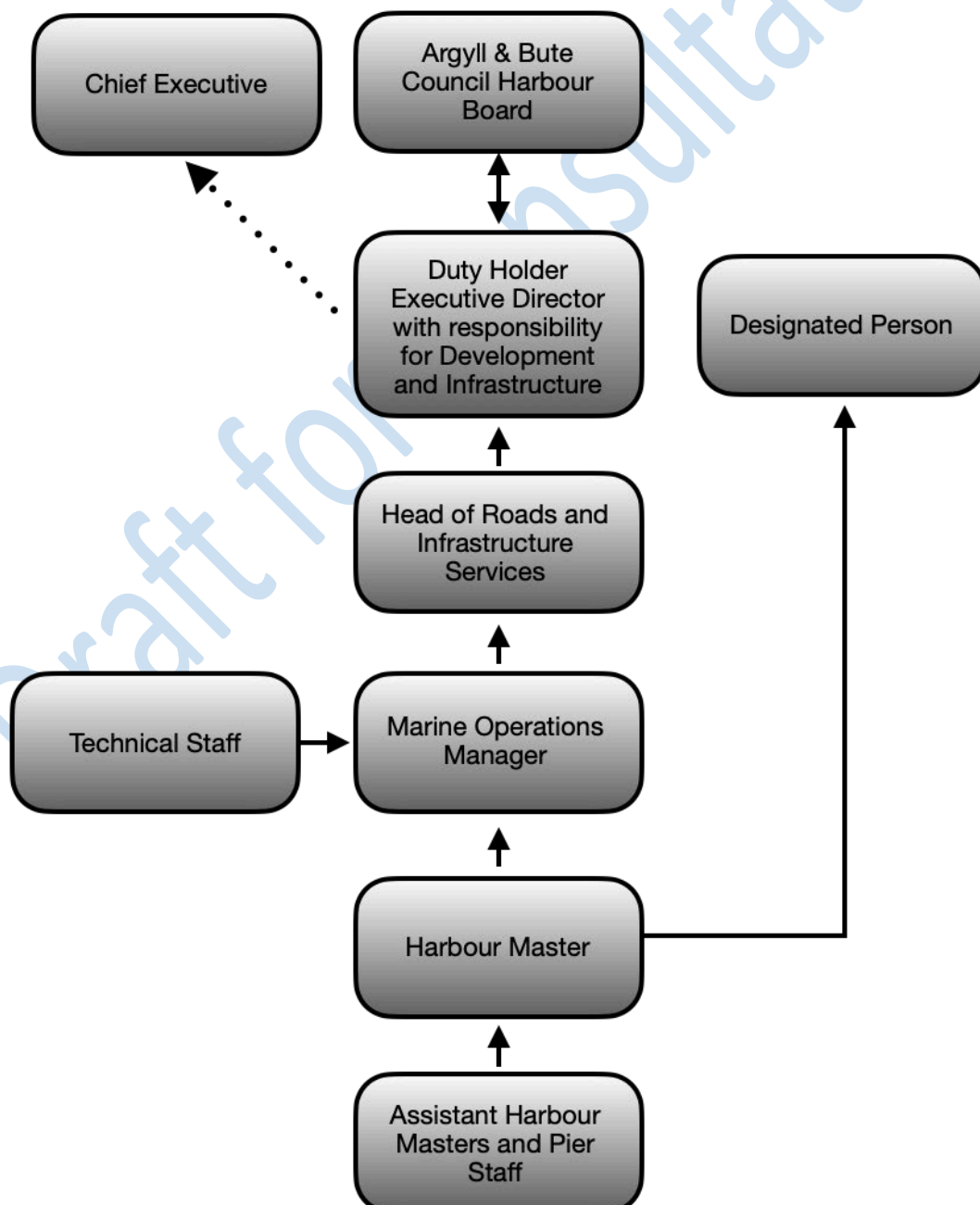


### 3. The Council Marine Safety Management System

The Safety Management System is based on Formal Safety Assessment and is subject to a continual Hazard monitoring and Risk Assessment Process. The Safety Management System is subject to continual review to monitor its application and effectiveness

#### 3.1 Marine Safety Management.

Structure of Marine Operational Management.



## 3.2 Responsibilities

Roles that are important to the provision and delivery of the Council Safety Management System are listed as follows:

### 3.2.1 Argyll and Bute Council Harbour Board

Argyll and Bute Council recognises that under the requirements of the Port Marine Safety Code, it is the Statutory Harbour Authority for all piers and harbours under its ownership and has delegated that function to the Harbour Board. The members of the Harbour Board have responsibility for providing policy direction to the officers and others involved in the operational management and use of these facilities, and for scrutinising the implementation of these.

The members of the Harbour Board have received specialist training to enable them to discharge their duties in respect of the Port Marine Safety Code.

The Argyll and Bute Harbour Board has assigned the post of Duty Holder to the Executive Director, Development and Infrastructure Services.

The Duty Holder has the responsibility for ensuring that Argyll and Bute Council's duties and powers as Harbour Authority are met. The Argyll and Bute Harbour Board is responsible for the proper exercise of its legal duties as a Harbour Authority.

Argyll and Bute Council, as Harbour Authority has powers to appoint personnel, including the Marine Operations Manager and Harbour Masters, to manage the operation of the harbour area. Argyll and Bute Council also exercises a number of its functions as Harbour Authority through the Development and Infrastructure Director. However, Argyll and Bute Council through the Argyll and Bute Harbour Board retain ultimate accountability as the Statutory Harbour Authority.

Argyll and Bute Council as Harbour Authority along with the Duty Holder have a number of powers, duties and responsibilities:-

Duty to ensure an effective Safety Management System is in place as defined by the Port Marine Safety Code. This duty embraces:-

- Development and maintenance of its harbours and areas to meet the requirements of port users and safe operation of its harbour areas;
- Development and implementation of appropriate policies, plans and procedures;
- Ensuring that risk assessments and reviews of the Safety Management System are undertaken as required;

- Duty to adopt appropriate powers as required for effective enforcement of its statutory duties (Harbour Bye-laws & directions)
- Responsibility for setting harbour dues at a level, which adequately funds the discharge of their duties.
- Powers to appoint a Harbour Master / Port Marine Operations Manager
- Duty to provide marine services and facilities to meet their obligations as Harbour Authority.

### 3.2.2 Duty Holder

The nominated Duty Holder is the Executive Director, Development and Infrastructure Services.

Marine responsibilities of the Duty Holder

In respect of marine navigational safety:

- Discharges the duties and exercises the powers given to it, both directly and by delegation, as it considers appropriate.
- Discharges the function of "Duty Holder" as defined in the PMSC by ensuring compliance with the Code, and the safe management of navigation.
- Makes recommendations to the Harbour Board and other appropriate committees within the Council.
- Reviews the performance of Argyll and Bute Council against its strategic and operational objectives, plans, and budgets.

### 3.2.3 Designated Person

In meeting its obligations under the PMSC, Argyll and Bute Harbour Board has appointed a 'Designated Person' (DP) from ABPmer, who maintains a right of direct access to the Duty Holder.

The role of the DP is to:

- Provide independent assurance that the Duty Holder has an effective and appropriate Marine Safety Management System; and
- Provide the Duty Holder with independent and professional advice regarding Argyll and Bute Council's overall compliance with the requirements of the PMSC.

### 3.2.4 Council Office Holders.

#### **Head of Roads and Amenity Services.**

- To lead the delivery and provision of Marine Operations ensuring that appropriate an Safety Management System are in place to deliver high quality services and best value to service users, and that agreed plans are implemented efficiently and effectively.
- To work cooperatively with others (including external organisations where appropriate) to meet and maintain the objectives of the Safety Management System.
- To provide effective management and team leadership.
- To proactively manage the health and safety of employees and ensure that all key elements of health and safety management are in place.
- To demonstrate resilience and integrity and lead through challenging circumstances.
- To develop service plans and continually review performance, striving to improve the quality and efficiency of Marine Operations.
- To recruit and train competent employees.

#### **Marine Operations Manager**

Responsible for the overall management of the Council's Marine services, ensuring that appropriate an Safety Management System is in place to deliver high quality services and best value to service users, and that agreed plans are implemented efficiently and effectively. In addition, introduce continuous improvement in the performance of the service, responding positively to statutory, and other external and internal requirements.

In relation to Marine operations, ensure that:

- All Council piers and harbours are safe for operational use by mariners, including infrastructure and navigational aids.
- All ferry vessels are compliant and certificated for public service, including arranging for the annual inspections and maintenance.
- Ferry crews are appropriately qualified.
- Ferry timetables meet the needs of relevant communities.
- Those facilities which are ISPS approved remain compliant.
- Any necessary actions are taken as a result of attending Port Security meetings.
- The Council has a validated oil pollution response plan for harbours and the coastal environment.

#### **Harbour Technical Officer**

Support the Marine Operations Manager to develop the team's strategic objectives and service plans by working in partnership with colleagues (within and outwith the service) and by taking personal responsibility for planning how these are delivered effectively and efficiently to service users. In particular, take responsibility for:

- a) Assisting the Marine Operations Manager in developing a strategy to grow the business and operate as efficiently as possible.
  - b) Engaging with Members and main users of the service.
  - c) Setting up systems to monitor service delivery and link in with the Performance Management System reporting system.
  - d) Continually reviewing how the service is delivered – by monitoring systems / consultation / market research.
  - e) Gathering information to assist in the production of service plans / reports.
  - f) Day to day management of ferry service delivery including conducting 'on the spot' audits, conducting internal audits of the Safety Management System, managing staffing rotas, arranging the provision of stores, spares and oils and monitoring contract delivery
  - g) Keep information relating to ferry time tables, fares and other general Marine Services activities listed on the Council website up to date and review published information on a regular basis.
  - h) Ensure ferry timetables meet the needs of relevant communities including regularly attending local Community Council and Ferry User Group meetings to provide updates and address concerns and queries.
  - i) Ensure ferry crews are appropriately qualified, fully inducted into the position held and receive relevant training to maintain qualifications and standards of customer care
  - j) Ensure all ferry vessels are compliant and certificated for public service, including arranging for the annual inspections and maintenance programme
  - k) Assist with the supervision of refits of the council ferries
  - l) Participate in a scheduled Designated Person Ashore rota as required by Marine Operations Manager
  - m) Assist with the design, implementation and control of management systems
  - n) Assist with the setting of appropriate and measurable performance targets and keep under review
  - o) Consult with stakeholders and, on occasion, carry out market research and community engagement exercises as directed
  - p) Compile reports to senior management and attend meetings as required.
  - q) Liaison with MCA for audits, refits and oil pollution incidents as required
- r) In addition, represent Marine Services on relevant external bodies/committees when appropriate and ensure that all regulations and procedures (including the Council's Standing Orders and Financial Regulations) are adhered to.

## **Harbour Masters**

Harbour Masters and their Assistants are appointed by the Authority to support the Marine Operations Manager to develop the team's service plans by working in partnership with colleagues (within and out with the service) and by taking personal responsibility for planning how these are delivered effectively and efficiently. In particular to take responsibility for:

- a) Implementing Argyll and Bute Council's Safety Management System.
- b) Marine Risk Assessments.
- c) Compliance with Port Marine Safety Code.

Harbour Masters and their Assistants will assist the Marine Operations Manager to ensure that high quality services and best value are delivered to service users by ensuring that all agreed plans are implemented efficiently and effectively. In particular:

- a) Local byelaws and General Directions.
- b) Compliance with the Safety Management System in their ports and harbours.
- c) Issuing Local Notices to Mariners.
- d) Advising mariners of available water depths on approaches and in berths.
- e) Health & Safety legislation.
- f) Control of berthing and departure, loading, unloading, mooring of vessels.
- g) The safety of all Harbour users, staff and members of the public.
- h) Keeping records of all shipping movements.
- i) To liaise with the Statutory Bodies as required.
- j) To liaise with the Emergency Services as required.
- k) Monitoring of Safety Traffic and Operation of VHF radio as required.
- l) To ensure harbour/pier is kept clean, tidy and safe for public use and that all safety equipment is in good working order.
- m) To inspect berths to ensure no obstruction to berthing.

### **Assistant Harbour Masters**

The Authority appoints Assistant Harbour Masters who aid and support the Harbour Master in the operation of the port. The Assistant Harbour Masters are vested with the same statutory discretions as the Harbour Master and are authorized to deputise for the Harbour Master, in their absence.

## 4. Marine Operations and control of the Safety Management System

Marine Operations within the Argyll and Bute Council Areas are diverse and range from small leisure craft to large cargo vessels and numerous Passenger and Vehicle Ferry Services. Fishing Vessels are also regular Users of the, Council Ports of Campbeltown Oban and Rothesay, as well as some of the smaller quays within the Councils area of jurisdiction.

The Safety Management System aims to provide for the safe use of Piers, Harbours, Quays and slipways by all vessels and users.

The Safety Management System does not replace any appropriate legal or administrative requirements laid down by The Health and Safety Executive, Maritime and Coastguard Agency et al, it will nonetheless harmonise with other safety, emergency and environmental systems in place.

### 4.1 Review of the Safety Management System

The Review process will focus on the effectiveness of the Safety Management System by means of:

- Reviewing Internal PMSC Reports from all Ports on a regular basis
- Regular review of Risk Assessments
- Internal and external Audits
- Advice and Guidance from Statutory and Industry Bodies
- Applicable changes to Local and National Legislation reviewed and implemented
- Accidents / Incidents that occur being analysed to identify System strengths and weaknesses.

#### Periodical Review

Additional to the above the Safety Management System will be reviewed by the designated officers every 3 years and subject to The Designated Person conducting a Compliance Audit every 3 years.

#### 4.1.1 Internal Review

Marine Operations Manager will ensure the effectiveness and compliance of the Marine Safety Management System is reviewed on an annual basis corresponding to a formalised plan agreed with the DP and Duty Holder.

Marine Staff will monitor and review the Marine Safety Management System to ensure its effectiveness and compliance with the Port Marine Safety Code.

The Review Process will include consideration of the following:

- Regular Marine Operations Staff meetings.

- Internal and external audits including follow up action points requiring review
- Changes to Council areas of responsibility
- Review of Risk Assessments
- Changes to applicable Legislation and Guidance
- Direction received from Statutory Bodies.
- Advice from the Designated Person

## 4.1.2 Peer Review.

In compliance with Section 5.2 of the PMSC Guide to Good Practice, Peer reviews are carried out by one Council port on behalf of another, and are accepted as a suitable form of additional audit that ensures the Marine Safety Management System is functioning as required. Reviews are carried out by competent experienced persons who are independent of the asset being reviewed.

## 4.1.3 External Audit of the Marine Safety Management System

An annual independent audit of the Safety Management System will be commissioned from the Designated Person. The audit report will be considered by the Harbour Board and the outcome of this consideration will be recorded.

All audits, internal and external, will commence in September with recommendations processed by December and included in an action plan reported regularly to the Duty Holder and Harbour Board along with the external audit reports. Amendments to the MSMS will be made available to the Duty Holder for sign-off in January / February and published after approval in March / April.

## 4.1.3 Effectiveness of the Safety Management System

The effectiveness of the Safety Management System will be monitored by the following means:

- Accident and Incident Recording
- Independent Audit of the System by the Designated Person
- Publication of a Marine Safety Plan covering a 3 year period which informs the Councils performance against the previous Plan as required by the P.M.S.C.
- Annual report to the Harbour Board by the Marine Operations Manager for review and as a basis for continual improvement of the System.

## 4.1.4 Measuring Performance

Argyll & Bute Council adopts two approaches for measuring its performance:

- **Active Systems:** - which are used to monitor the achievement of plans and the extent of compliance with any standards; and
- **Reactive Systems:** - which monitor accidents, ill health, incidents and other evidence of deficient health and safety performance, such as hazard reports.



## 4.2 Active Systems

Argyll & Bute Council performs periodic formal checks to ensure that the procedures documented within the MSMS are functioning.

Each Harbour Master must also perform:

- Random observation of work and behaviour to assess compliance with procedures, rules and systems. These activities will be aimed particularly at those directly concerned with the management of risk within the harbour; and
- Annual questionnaire surveys of managers and other employees to assess behaviour and attitudes towards marine safety within the harbour.

The results of any active monitoring will be documented formally and where appropriate the port will make comparison with previous monitoring exercises. The findings are reviewed with the Harbour Master along with details on any failings of the systems and recommendations for improvement. If required, an action list is prepared and managed by the Harbour Master to ensure that agreed responses are completed satisfactorily.

The ability to complete agreed responses satisfactorily and on schedule is also used as an indication of the overall performance of the harbour.

At the main Commercial Ports, Navigation Safety Management Groups meet to review and improve the safety and efficiency of navigation in the harbour area and to protect the marine environment and the surrounding Harbour area.

Operational matters considered will include the following:

- The operation of the Safety Management System in respect of Navigation safety, improving this where necessary and setting new targets;
- Incident investigation including Root Cause Analysis and the implementation of corrective action where required to achieve zero reportable accidents or incidents;
- Ensuring the effective communication of appropriate information in respect of navigational safety to all stakeholders;
- The group will identify action points where appropriate and report to the Marine Manager on a monthly basis on all aspects of navigational safety and incidents within the relevant harbour area.

## 4.3 Reactive Systems

Reactive monitoring is performed in response to reports of incidents/near misses and non-conformances that tend to be generated through an incident report.

On receipt of a report the Harbour Master will initiate an investigation to determine both the immediate and the underlying organisational causes of the event. This process is recorded using an incident report which also requires that any resulting actions be documented and a responsible person assigned. The Harbour Master manages this process to ensure that responses to the monitoring are completed satisfactorily. These records are retained for audit purposes.

All marine incidents are reviewed by the Marine Safety Committee at the quarterly Harbour Master meetings. A summary of all incidents is made to the Designated Person on a monthly basis with full details given of any which are regarded as serious. The reports made will be classified into different incident categories to assist in the identification of common trends and areas requiring focus for improvement.

### 4.4 Audit

As noted above, performance indicators cannot in themselves confirm compliance with the MSMS and the PMSC. Furthermore, the MSMS is one of continuous development and improvement, in response to changing events and circumstances. It is therefore necessary to confirm that the MSMS remains fit for purpose, and ensures compliance with the Code by means of regular audit and review.

Audits are conducted to achieve the following objectives:

- To determine if the MSMS is being operated in accordance with Argyll & Bute Council Policies and, the provisions of the PMSC;
- To monitor the overall effectiveness of the system;
- To identify and implement ways of improving overall performance;
- To confirm that relevant procedures are understood and being actioned by those involved.

The overall objective is to implement systematic, independent audits to support the continuous improvement in navigational safety performance.

The “Designated Person (DP)” (as defined in the PMSC) shall undertake periodic audits/reviews of the MSMS for the purpose of assessing the following:

- The continued provision of an appropriate and effective MSMS; and
- Argyll & Bute Council’s ongoing, overall compliance with the requirements of the Code.

Outcomes from the annual audits will be reported to the Duty Holder at regular Harbour Authority meetings, and summarised in the annual report. The DP will meet the Duty Holder, MOM and relevant HM to discuss the PMSC related issues arising from the audit process.

### 4.5 Management of Change.

Change is often necessary in an organisation to reflect changing circumstances. Changes may be necessary at a Strategic or Operational level including new technologies.

Where changes are required to the Marine Safety Management System 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.

#### 4.5.1 Document Control.

As with many Council Documents, the Safety Management System Document is considered a “live” document` and, as such, will be subject to change from time to time as circumstances alter. The document will be available for viewing online and links to other relevant documents will be provided to ensure that the latest versions of documentation are being viewed.

All Documents are periodically reviewed for continuing suitability. Prior to implementation, any changes to Documents shall be consulted on and agreed by the Marine Operations Manager.

## 5. Risk Management Controls and Procedures

The MSMS procedures and guidelines fulfil the requirements of the Port Marine Safety Code (PMSC) including but not limited to, the following:

- Making risk control the basis of all marine activities, procedures and regulations applied to or required of port users;
- Using risk assessment to identify the requirement for navigation aids;
- Applying risk assessment to all harbour works;
- Subjecting wrecks to risk assessment and programming periodic review;
- Maintaining systems to implement the findings of risk assessments;
- Identifying and designating safe pilot boarding and landing areas;
- Applying and adhering to current pilot transfer arrangement regulations;
- Reporting deficiencies on visiting vessels;
- Providing procedural advice for giving Directions in relation to dangerous vessels or substances;
- Regulating the use of harbour craft;
- Maintaining and developing a competence based training scheme to support delivery of all marine functions;
- Maintaining appropriate plans and procedures for emergency response and associated training/exercises.
- Using verification/audit systems.

## 5.1 Marine Risk Assessments

Argyll and Bute Council Harbour Board will ensure that policy is derived to:

1. Identify, quantify and manage the significant marine risks associated with the Council's harbours, their approaches and associated activities. This will ensure that there is appropriate control exercised over vessel movements by, where necessary, regulating the safe arrival, departure and movement within the harbours of all vessels.
2. Maintain, protect, improve and regulate the safe navigation of all vessels in the Council's harbour areas by:
  - a. Ensuring that all harbours and marine facilities remain safe for all harbour users to undertake their business and activities, with the risk of injury as low as reasonably practical.
  - b. Having an effective system for promulgating navigation warnings affecting the harbours.
  - c. Consider the effect of weather on harbour safety and see that the broadcast warnings are accessible.
  - d. Designating suitable anchorages.
  - e. Monitoring lights and marks used for navigation.
  - f. Regularly reviewing the need for pilotage and authorising suitable trained and experienced pilots to provide an efficient and safe pilotage service.
  - g. Providing resources to deliver marine services.
3. Ensuring that suitable plans for emergency situations are maintained, regularly updated and exercised so that Argyll and Bute Council will respond effectively to emergency incidents in order to minimise adverse impacts.
4. Carrying out all of its functions with particular regard to the potential for adverse environmental impact and the need to protect the marine environment, landscape, heritage and amenity facilities.
5. Maintaining up-to-date Bye-laws in consultation with harbour users and enforcing them appropriately so as to effectively regulate harbour use.
6. Establishing appropriate controls for personal safety so as to:
  - a. Safeguard harbour users, employees, those working in harbours and the public whilst they are within areas under Argyll and Bute Harbour Board's control.

- b. Controlling the risk of exposure to criminal and civil liability.
- c. Involve stakeholders in the management of marine safety and raising awareness of marine risks and their prevention, control and management.
- d. Consider the effects on harbour safety of proposed changes in use or harbour works.
- e. Operate within policies developed specifically to address marine issues in addition to the corporate policies and procedures approved by the Council.
- f. Confirm the roles and responsibilities of key personnel.
- g. Outline existing procedures for marine safety within the harbours and their approaches.
- h. Measure performance against targets, particularly by building a database for recording incidents, including near misses.
- i. Maintain appropriate emergency and contingency plans.
- j. Keep appropriate duties and powers under regular review.

## 5.2 Navigation Risk Assessments.

Navigational Risk Assessments have been carried out for all Ports and Harbours covered by this Document. The Control Measures identified within these Risk Assessments will be used to regulate vessel movements.

In addition, to enable effective Control of vessel movements Harbour Masters have four main powers available to regulate ship movements:

- Bye-laws: provide a general framework for rules of navigation which apply to all vessels - including speed limits, defining fairways, anchorages, etc. - and which can be treated as unlikely to require frequent or short term amendment.
- Special directions – may be given by the harbour master: these directions are time and vessel specific and are apt for operational purposes of short duration and for emergencies.
- General or harbour directions – some harbour authorities have more effective powers of general direction or harbour direction to be given by the authority itself. Directions should apply to all vessels including where a vessel is conducted by a pilot or the holder of a pilotage exemption certificate.
- Pilotage directions - may generally be given by harbour authorities which have the power to regulate navigation: these determine the circumstances in which pilotage is to be compulsory.

Dangerous vessel directions - are a special case, permitting a harbour master to remove a vessel from the harbour in clearly defined circumstances.

The Applicability of the above will vary from Port to Port.

The use of all these powers, governed by the Argyll & Bute Harbour Board formal risk assessment, supports the Safety Management System. It is to be noted, in this connection, that the master - or pilot - of a vessel is not obliged to obey directions if he believes that compliance would endanger the vessel.

Control of vessels within a harbour area depend upon effective two way communication between the harbour personnel and the vessels concerned and all ships` masters should familiarise themselves with the layout and limitations of their destination port and have on board sufficient navigational information to enable safe navigation into and out of the harbour. Close contact must be maintained with the harbour master when approaching and within harbour limits.

It is the policy of Argyll and Bute Council that its powers, policies and procedures will be based on a formal assessment of hazards and risks and it will have a formal MSMS.

The aim of this process is to eliminate significant risks or, if that is not practicable, to reduce risks to "as low as reasonably practicable". Formal risk assessments shall be used to:-

- Identify hazards and analyse risks; and
- Assess those risks against an appropriate standard of acceptability and where appropriate, consider a cost-benefit assessment of risk reducing measures. Argyll & Bute Harbour Board has undertaken a formal safety assessment of its harbour operations to ensure that a systematic approach was taken to the identification and the management of risks.

There is a preferred hierarchy of risk control principles:-

- Eliminate risks - by avoiding a hazardous procedure or substituting a less dangerous one;
- Combat risks - by taking protective measures to prevent risk; and
- Minimise risk - by suitable systems of working.

An initial set of navigational risk assessments were completed in October 2015 for the main harbours of:

- Dunoon;
- Rothesay;
- Campbeltown;
- Port Askaig;
- Oban North Pier; and
- Craginure.

The regular, at least annual, review of these risk assessments and any new risk assessments caused by operational changes will identify new risks. As a consequence new controls will be implemented in order to bring the risks down to “as low as reasonably practicable”. The process of continuous assessment and review will enhance the safe operation of the Argyll and Bute Council managed harbours, slipways and piers.

## 5.3 Dynamic Risk Assessment.

Risk Assessments can be of two types:

- Planned formal assessments which provide the necessary framework to identify how all Risk Assessments are carried out in practice.

And

- Dynamic Risk Assessments which helps the individual to assess a situation which is constantly changing and to adapting response measures as appropriate moment by moment.

Examples where Dynamic Risk Assessment may be required may include.

- Handling a Major Incident
- Navigation of vessels in poor visibility
- Equipment failure ( shore or ship )
- Obstruction in Port Approaches
- A combination of the above.

Dynamic Risk Assessments will, by definition, not be recorded, and so evidence of these taking place will be minimal. However, it should be evident from monitoring and inspection exercises that DRA is taking place. Over time some Dynamic Risk Assessments will lead to a review and revision of the Formal Risk Assessment and there will be evidence of this. Team meetings or other regular dialogue to discuss the effectiveness of performance may also be useful in this regard.



## 5.4 Local Port Services

Under local Acts of Parliament, Statutory Harbour Authorities have duties to protect their harbours and regulate the approaches to them. The provision of a Local Port Service should be based on the Formal Risk Assessment process, when all mitigating factors have been considered.

The Council is content that the level of activity in its harbours can be managed by Local Port Services. Any move to provide an enhanced service will be preceded by a Formal Safety Assessment. Such an Assessment will determine whether a VTS is an appropriate risk control option to enhance the safety of shipping, maritime users, members of the public and the protection of the marine environment.

See Marine Guidance Note 401 (M + F) and Marine Guidance Note 401 (M + F) Amendment 3 issued by the Maritime and Coastguard Agency (MCA).

## 5.5 Pilotage

### **The Argyll and Bute Council (Pilotage Powers) Order 2007 SSI/2007/3**

Argyll and Bute Council shall under the Argyll and Bute Council (Pilotage Powers) Order 2007 be a Competent Harbour Authority in respect of the harbours of Campbeltown for the purposes of the Pilotage Act 1987, and as the CHA, authorises Pilots to serve the whole area of jurisdiction as laid out in the Campbeltown Harbour and Burgh Act 1876, and as given in the Pilotage Direction so promulgated.

Argyll & Bute Council's responsibility in respect of Pilotage in its Harbours is to:

- Ensure that the operation of the Pilotage Services is compliant with National Regulations, Guidelines and Competency Standards. The Council will engage competent and authorised Pilots
- Keep under review its Pilotage Directions to ensure they are fully in accord with the Safety Management System and guidance in the Port Marine Safety Code.
- Issue Pilotage Exemption Certificates (PEC) to bona fide Masters and Mates of ships that meet the criteria laid down and monitor the performance and discipline of PEC holders in respect of requirements laid down in Pilotage Directions

## 5.6 Emergency Preparedness

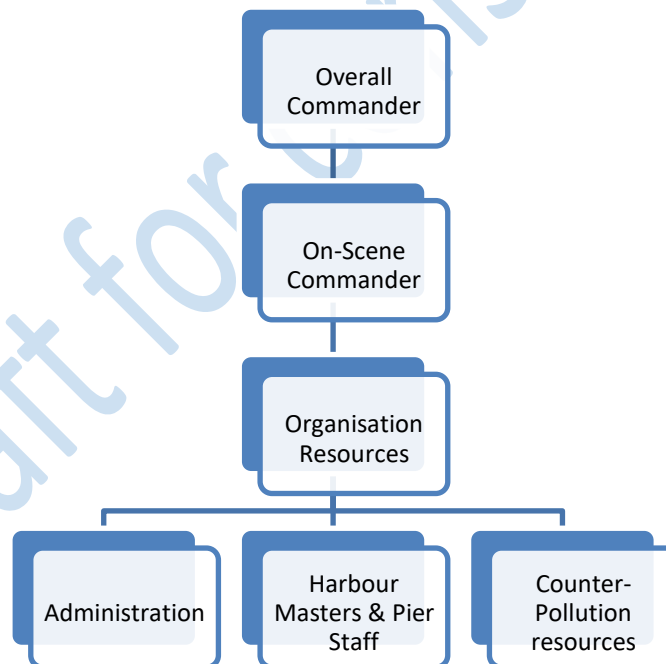
The PMSC states that the MSMS should include preparations for emergencies and that these should be identified as far as practicable from the formal risk assessment. It also states that these should be published and exercised.

The relevant Emergency Response Plans are as detailed in the annexes for each of the main harbours.

For pollution response further information is available under the **Oil Spill Response Plan** that each harbour has implemented as required by the International Convention on Oil Pollution Preparedness, Response and Co-operation Regulations (OPRC), the Plans can be found in individual Harbour Annexes.

### 5.6.1 Emergency Organisation And Management responsibility

The Marine Operations Manager will review the Emergency and Oil Pollution Plans in conjunction with the Harbour Masters and Technical Officers on an annual basis.



## 5.6.2. Emergency Preparedness and Response

Argyll & Bute Council harbours have in place established procedures for emergency situations. Exercises take place at regular intervals to familiarise and update staff on these procedures and to test response actions and communication structures.

External consultants oversee an annual exercise and provide feedback and advice where necessary in order to maintain and where necessary improve emergency preparedness.

## 5.6.3 Incidents

An incident occurring within Argyll & Bute Council managed harbours will be graded depending on the nature of the incident, the possible effects on life, the environment, the port operations and the level of response required by the relevant Harbour Master, the emergency services and others in the port estate.

Each Port has its own Port Emergency Plan.

When a marine incident has occurred, the Harbour Master should be informed immediately as per the Port Emergency Plan.

### Minor Incidents

Minor incidents are those that can be handled within the everyday resources of each of the individual harbours. Although the emergency services or other organisations may be notified or required to assist, such assistance will be routine.

### Major Incidents

A major incident may be defined as being beyond the normal day-to-day capacity of the Harbour Master and will require the special and extensive mobilization of the Emergency Services. Examples of major incidents may include-

- Death or serious injury to any number of people;
- Extensive damage or contamination to the environment;
- Extensive damage to vessel, installations, berth facilities and quayside equipment; and
- Serious disruption to the operation of the harbour.

Incident aboard a Vessel

The Master of any vessel which has an incident aboard must immediately inform the Harbour Master and contact the appropriate emergency services.

## 5.7 Incident Procedures

### Initial Assessment, Response and Alarm

Whenever an incident occurs within an Argyll & Bute Council managed harbour, a full initial assessment will be carried out where possible and the response will be tailored to that incident. If necessary the appropriate plan will be activated. All incidents should be reported to the Harbour Master who will alert the appropriate management, engineering/operations staff in line with the appropriate Emergency Procedures.

Primary response functions include:

- Notification/alerting;
- Situation assessment;
- Strategy development;
- Incident management;
- Response strategy;
- Equipment deployment;
- Communication support;
- Logistics support;
- Public affairs/media;
- Safety/security;
- Legal support; and
- Vessel casualty.

During all incidents, all persons concerned should maintain a log of all communications and actions

## 5.8 Civil Contingencies

The Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (as amended) is the legislation that outlines the key organisations and their duty to prepare for civil emergencies within Scotland.

All Harbours Emergency Plans have been formulated in accordance with the afore mentioned Acts, and Regulation 26 of the Dangerous Substances in Harbour Areas Regulations 1987 (DSHA) and the Port Marine Safety Code, the Port Security Regulations and the Oil Pollution Preparedness Response and Co-operation Regulations.

The plans have been drawn up to deal with emergencies involving;

- Fire
- Explosion
- Escape of hazardous substances
- Collision, sinking or stranding of vessels
- Grounding.

## 5.9 Oil Pollution Preparedness

In accordance with statutory requirements to prepare for and respond effectively to any incident of oil pollution, each Port has an Oil Spill Contingency Plan which has been written in accordance with the requirements of M.S. (Oil Pollution Preparedness, Response and Co-operation Convention Regulations 1998) and has been approved by the MCA. The Plan details the structured response and notification procedures required in the event of an oil pollution incident.

Pollution incidents are tiered as follows:

- **Tier 1** - Spills which can be dealt with using the resources retained on site;
- **Tier 2** - Spills which require mobilisation of additional resources and the Tier 2 oil spill contractors; and
- **Tier 3** - Spills which require mobilisation of national resources.

Emergency Response Centre

In the event of an Oil Spill emergency, a response centre would be set up at a predetermined point within the relevant Council office dealing with Tier 2 or Tier 3 oil spills. It will be manned for all Tier 3 incidents and at the discretion of the command team leader for Tier 2 incidents.

## 5.10 Conservancy

There is a duty to conserve a harbour so that it is reasonably fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for vessels to use. The conservancy duty covers specific requirements, which are outlined in the PMSC as follows:

- A harbour authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely;

- Harbour authorities should provide users of the harbour with enough information about conditions in the harbour such as depths of water, local Notices to Mariners, etc. and

Harbour authorities have duties and powers as local lighthouse authorities (or providers of aids to navigation); and specific powers in relation to wrecks.

## 6. Accident and Incident Investigation

Investigations of accidents and incidents have two essential purposes:

- To determine the cause of the incident, accident or near miss with a view to preventing a recurrence of that incident or accident and
- To determine if an offence has been committed; if so, there may be the need on the part of Argyll & Bute Council to initiate criminal proceedings in their own right or through the agency of another authority such as the Health and Safety Executive (HSE) or the MCA.

All minor marine incidents or accidents will be investigated at the discretion of the Harbour Master.

All major incidents or accidents will be investigated by an appropriate authority.

Any marine incident that involves the waters adjacent to the port limits, or involves a licensed pilot or PEC holder will be investigated. Investigations for major marine incidents or accidents may not necessarily be carried out under the authority of the Harbour Master. The investigation may be part of a criminal investigation and the primacy for the investigation will remain with the lead agency, namely: police, HSE, MCA or MAIB.

### 6.1 National Regulatory Framework

The legal framework for incident investigation is effectively summarised as follows:

- The MCA is responsible throughout the UK for implementing the Government's maritime safety policy;
- The MAIB investigates accidents related to ships and crew; and
- The HSE investigates land based accidents, and accidents occurring on offshore installations.

Provided that the primacy for a given investigation is with Argyll & Bute Council, incidents will be investigated to find out the facts of what happened and so identify the causes of their occurrence and determine the actions that must be taken to prevent recurrence. They should not be investigated to apportion blame but need to be fact finding and not fault finding. Incidents are

rarely simple and almost never result from a single cause. They are normally events resulting from a combination of actions, omissions, errors, failures, changes and oversights.

To ensure an effective incident investigation the process should:

- Record key information;
- Obtain basic facts and establish the circumstances of what happened;
- Identify and investigate both immediate and underlying causes;
- Analyse the findings;
- Determine the action needed to prevent a recurrence and make recommendations;
- Require a check that the recommended actions have been acted upon;
- Re-appraise the existing risk assessments and safe systems of work;
- Review the control standards and the success in meeting them satisfy the legal reporting and recording duties;
- Obtain details, which might be needed if the incident becomes subject to an insurance claim or legal action; and
- The investigation should look beyond the actual situation to see whether it could have been worse.

### 6.2 Statutory Reporting Requirements

The MAIB is responsible for the investigation of all types of marine accidents, both to vessels and to those on board. The MAIB is an independent branch within the Department for Transport (DfT) and is separate from the MCA. The MAIB's head, the Chief Inspector of Marine Accidents, reports directly to the Secretary of State on accident investigation. He/she and his/her professional staff, who are drawn from the nautical, fishing, marine engineering, and naval architecture disciplines, are appointed by the Secretary of State under the provisions of the Merchant Shipping Act 1995. An administrative staff deals with records, data analysis and publications, policy matters, and provides general support.

Marine Guidance Note MGN 564 [M+F] ("Accident Reporting and Investigation") is addressed, inter alia, to Harbour Authorities. It explains the reporting requirements of the new Merchant Shipping (Accident Reporting and Investigation) Regulations 2012. Details of what should be reported are given in Annex A of the Notice.

Argyll & Bute Council will report any notifiable accident of which they are aware to the Chief Inspector of the MAIB by the quickest means available.

The MAIB's Incident Reporting Form provides a convenient format for reports but plain narrative giving the above information may be used if the form is not available. As full an account as possible should be given whether or not the form is used; the list of items given in the M Notice is not intended to be limiting and any matter should be included which will help to make the circumstances clear or to show how similar incidents may be prevented. Sketches, plans and photographs of the damaged areas, taken both before and after the event, are often helpful and may be attached to the report.

## 6.3 Enforcement Policy and Procedure

Argyll and Bute Council is responsible under the PMSC for the effective enforcement of regulations made and directions given to assist in managing marine operations and ensuring safety of navigation within the managed harbours.

Enforcement underpins navigational safety by ensuring compliance with such regulations and directions: it requires effective surveillance, incident investigation, and leads, where appropriate, to sanctions imposed either by the Board or by the Courts.

Where necessary, and where empowered, the Board will prosecute offenders for committing offences. Argyll and Bute Council policy is to:

- Maintain through regular reviews, a relevant and effective regulatory framework, consistent with national legislation, ancillary regulations and bye-laws;
- Ensure that regulations and associated guidance are widely promulgated within Argyll and Bute Council relevant area of jurisdiction;
- Develop and maintain effective enforcement procedures that comply with national legal requirements and guidelines;
- Develop and maintain effective investigation procedures that support the enforcement process, and meet the requirements of the MSMS in respect of identifying, promulgating and making good use of any 'lessons learned';
- Ensure that all staff involved in incident investigation, or who are required to follow Argyll & Bute Council enforcement procedures, receive effective and relevant training;
- Investigate all incidents, taking proper account of the requirements of the Police and Criminal Evidence Act 1984 (PACE) codes of practice where necessary;
- Maintain an effective surveillance and spot check regime, to monitor compliance with, and detect breaches of, relevant national and regulations; and



- Respond to breaches of regulations, by imposing a sanction appropriate to the circumstances, or initiating a prosecution where the facts warrant.

Argyll and Bute Council is responsible for enforcing many of the laws that apply within their jurisdiction, but enforcement does not necessarily mean prosecution. Prosecution and the associated penalties imposed by a Court provide the ultimate sanction and enforcement provides a range of responses from informal verbal warnings, through formal written warnings to action in the Courts.

Argyll and Bute Council will always apply consistent approach for dealing with those persons who use their managed harbour and fail to meet acceptable standards. For Argyll and Bute Council to maintain its credibility it must demonstrate that it can effectively utilise the full range of enforcement options.

A criminal investigation does not necessarily end in a prosecution but if the investigation is not done in accordance with strict rules a prosecution will not be permissible. Therefore all investigations that may lead to a prosecution have to be conducted with that possibility in mind.

## 6.3.1 The Need to Enforce

### **The Port Marine Safety Code**

Argyll & Bute Council complies with the PMSC requirement and has policies and procedures that are properly and effectively enforced. It follows that these policies need to be implemented by procedures and this manual is part of that process. The PMSC makes it clear that the statutory powers that Argyll & Bute Council Harbour Authority has to regulate conduct and activities should be used to assist in managing identified risks.

### **The Harbour Authority as a Statutory Body**

A Harbour Authority is a body created by statute to serve a public interest to manage, maintain and improve the harbour. The local laws, powers and enabling legislation provide the ability for it to make bye-laws and give legally binding directions. It therefore follows that Argyll & Bute Council has to demonstrate it can initiate enforcement action that may lead to prosecution.

Argyll and Bute Council has its own legally binding rules subject to a consultation and approval procedure to ensure everybody can use the harbour safely. It follows that as Argyll and Bute Council can make the rules, it must be able to deal effectively with those persons that break them. The vast majority of people who use Argyll and Bute Council managed harbours are responsible and law abiding. Some people will make mistakes, some people will benefit from education and some will

need to be warned. In some circumstances misconduct may be so serious that Argyll and Bute Council may decide that it should be for the Courts to deal with and a prosecution will be initiated. Through the whole range of enforcement options Argyll and Bute Council will demonstrate that it has developed a consistent approach reflected by procedures that work. They will also demonstrate that they have the capability of effectively prosecuting offenders who deserve to be prosecuted. Warnings have their place and Argyll and Bute Council, when necessary, will prosecute an offender in order to maintain its credibility as a regulatory authority. Successful prosecutions can also provide a very worthwhile deterrent to other harbour users.

## 6.3.2 The Enforcement Options

Enforcement covers everything from cordial education on the conduct expected, to prosecution on indictment in the Crown Court where the Court may send someone to prison.

The range includes:

- Information and Instructional leaflets;
- Informal education;
- Formal education - e.g. seminars, briefings etc.;
- Formal advice - e.g. in Local Notice to Mariners;
- Informal warnings; Formal warnings; and
- Prosecution.

Which option from the above range is used will depend on the circumstances of each particular incident and will include consideration of the following:

- The severity of the misconduct;
- The risk caused and associated with the misconduct;
- The consequences of the misconduct;
- Any repetition of the misconduct;
- The attitude of the person involved;
- The need to provide a deterrent;
- The evidence available;
- The interests of the public;
- Any considerations of the relevant Harbour Master and Argyll and Bute Council Harbour Authority; and
- The knowledge and experience of the suspect.

## 2021 - 2023 Marine Safety Plan

Number	Provision / Activity	Objective	Measure	Year 1 - '21	Year 2 - '22*	Year 3 - '23
1	Duty Holder	Duty Holders to have received training on their role and responsibility under the Code in the last three years	100% of Duty Holders trained	100%	100% of new Harbour Board	
		Duty Holders to have undertaken an operational tour of a Council Port or Harbour in the last three years	100% of Duty Holders undertaken an awareness tour	Working day at Oban and invitation to Exercise Morby in Campbeltown		
2	Designated Person	External Audit completed at one Port or Harbour per year	Annual	Dunoon, Kilcreggan & Helensburgh	Oban & Mull	
		Report to the Duty Holder at least once per year	Annual	Report to Harbour Board and Duty Holder	Report to Harbour Board and Duty Holder	
3	Legislation	Review legal duties and powers at least once every three years	Three years	Ongoing review in relation to the Consolidation Harbour Order	Ongoing review in relation to the Consolidation Harbour Order. HRO process for Oban Harbour	
4	Duties and Powers	MAIB Reportable Incidents: make all reports to the MAIB within 24hrs, with investigation follow up	24hrs initial report, investigation sent at incident close	No Reportable Incidents	No Reportable Incidents	
		Incident investigation: close out all incidents on MarNIS in accordance with defined procedures and closed out within an agreed timeframe.	Close out Incidents on according to nature and severity of Incident: 1 week for minor incidents and 1 month for more serious incidents that may involve other parties	All incidents closed out in date	All incidents closed out in date	
		Hydrographic Survey set out in a survey plan	Surveys conducted to planned dates	Surveys in date	Surveys in date	
		Hydrographic Survey publish within target timescale	Within one month of survey date	Published within date	Published within date	
5	Risk Assessment	All Marine Risk Assessments to be in-date	100% in-date	All in date	All in date and Dynamic Risk Assessment template in use	
6	MSMS	The Marine Management Team will undertake a formal review of all marine policies on a three-yearly basis	Three years	Reviewed with no changes	Reviewed with changes for approval	
		The Marine Safety Management System will be reviewed annually (or following any significant industry changes)	Annual	Reviewed with no changes	Reviewed with changes for approval	
7	Review and Audit	Review SMS on an annual basis. Complete internal audits to the three-yearly schedule	Complete scheduled Review of SMS in accordance with timeframe as stated in Section 14.7 of SMS	Dunoon, Kilcreggan & Helensburgh	Oban, Mull & Iona	
8	Competence	Ensure staff with marine safety responsibilities are trained to undertake their duties	100% of mandatory training completed	All required marine training completed	All required marine training completed	
9	Plan	Publish a three yearly 'Marine Safety Plan' (this plan)	Published and in-date	Published		
		Publish an assessment of the organisation's performance against the last period plan	Published review	Review not published	Review published	
10	Aids to Navigation	Aids to Navigation: Three-year performance meets or exceed IALA performance threshold	Cat 1 = 99.9% Cat 2 = 99.0% Cat 3 = 97.0%	Cat 1 = N/A, Cat 2 = 99.84%, Cat 3 = 100%		Reported in 2025

\*note: 2022 Election year - New Harbour Board Members

## 2017 - 2020 Marine Safety Plan

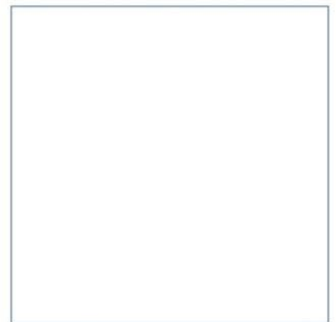
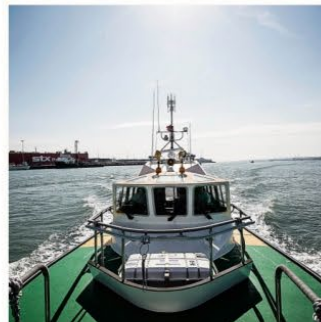
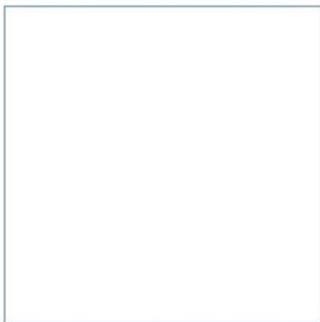
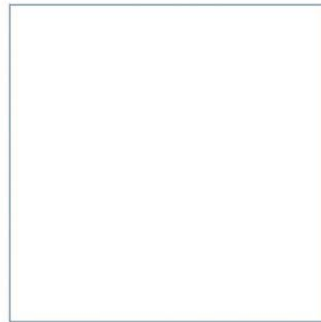
Number	Service Provision	Activity Target	Progress % Completed
1	Navigational Incidents	No major incidents, serious injuries or serious pollution as a result of a failure of the Councils Marine Safety Management System. All incidents investigated in accordance with defined procedures and closed out within an agreed timeframe.	100% Completed
2	Conservancy and Hydrographic Surveys	Aids to Navigation  Meet the availability targets of IALA  Hydrographic Surveys  Ensure that the Ports and Harbours have an adequate plan of hydrographic surveys and that these are undertaken in line with the agreed schedule and that the results are published within the target timescales.	100% Completed
3	Audit of SMS	Ensure that the audit is carried out on annual basis by the Designated Person and any deficiencies are corrected in a timely manner. SMS to reflect lessons learnt from other ports and incorporate the recommendations and conclusions of any port related MAIB investigation as appropriate.	100% Completed
4	Pilotage services	No major incident due to Pilot/PEC holder error.	100% Completed
5	Liaison and consultation with stakeholders	Ensure good communication on marine safety matters for new and existing activities with Harbour Users Groups.	100% Completed
6	Training of marine personnel	Ensure continuous professional development	100% Completed

# Argyll and Bute Council

## Port Marine Safety Code

Audit: Isles of Mull and Iona  
(Craignure, Bunessan, Fionnphort, Iona) 2022

November 2022



Innovative Thinking - Sustainable Solutions

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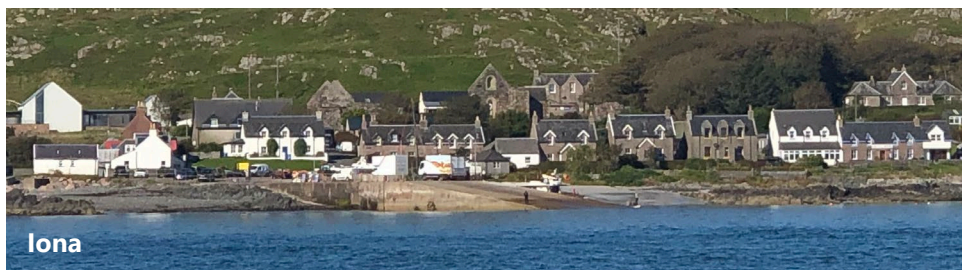
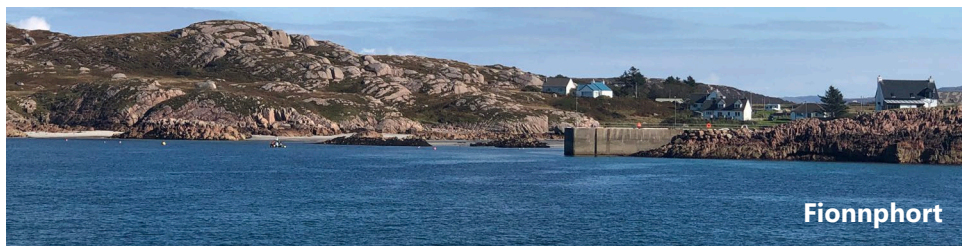
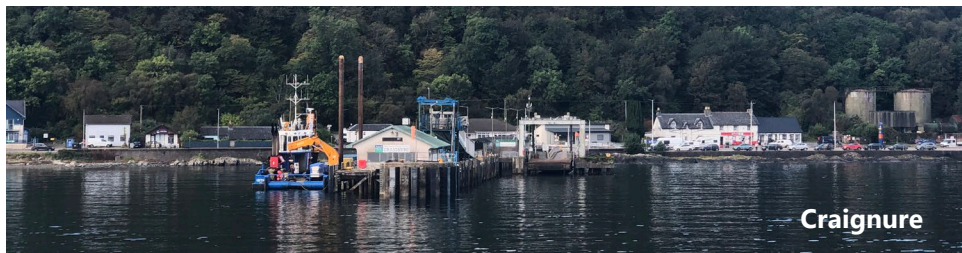


# Port Marine Safety Code

Audit: Isles of Mull and Iona

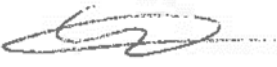


(Craignure, Bunessan, Fionnphort, Iona) 2022

November 2022



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### Author

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# 1 The Port Marine Safety Code

The Port Marine Safety Code ('the Code') sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses, or works in, the UK port marine environment. It is authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT, 2016).

In reading this audit report, the Council and Duty Holder should note the following extract from the Code:

*"The Code does not contain any new legal obligations but includes (amongst other things) references to the main legal duties which already exist. Failure to comply is not an offence in itself. However, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties. Moreover, the organisation may suffer reputational damage if it has publicly committed to the Code's standards and then fails to meet them."*

(DfT, 2016)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
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.	1.6-1.8, 1.10, 1.16-1.17
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.	1.11-1.12
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.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
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.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
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 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

## 1.1 About the Harbour Authority

The Isle of Mull is the second-largest island of the Inner Hebrides (after Skye) and lies off the west coast of Scotland in the council area of Argyll and Bute. Mull has a number of harbours, ports, piers and slipways. The Council is responsible for three, namely: Craignure, Bunessan and Fionnphort which are all operated by the Harbour Master team from Oban.

Craignure lies close to the Isle of Mull's easternmost point and is the main terminus for the ferries from Oban Bay. A&BC is the Statutory Harbour Authority (SHA) by virtue of the Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961, the limits of which are set out in Part 4, Section 24(2) of the Order as shown in Figure 1. The Council is the facility owner for its marine assets and the SHA for the harbour. The original pier was built in 1894 and is located in the south east end of the bay adjacent to the village hall. The present pier is located on the west side of the bay and was built in 1964, it has two berths with the northern berth used by the ferry and the southern berth for other craft. The harbour has scheduled ferry services, with occasional calls from aquaculture and small cruise vessels. There are a number of local resident community moorings around the original pier at the south east end of Craignure Bay.

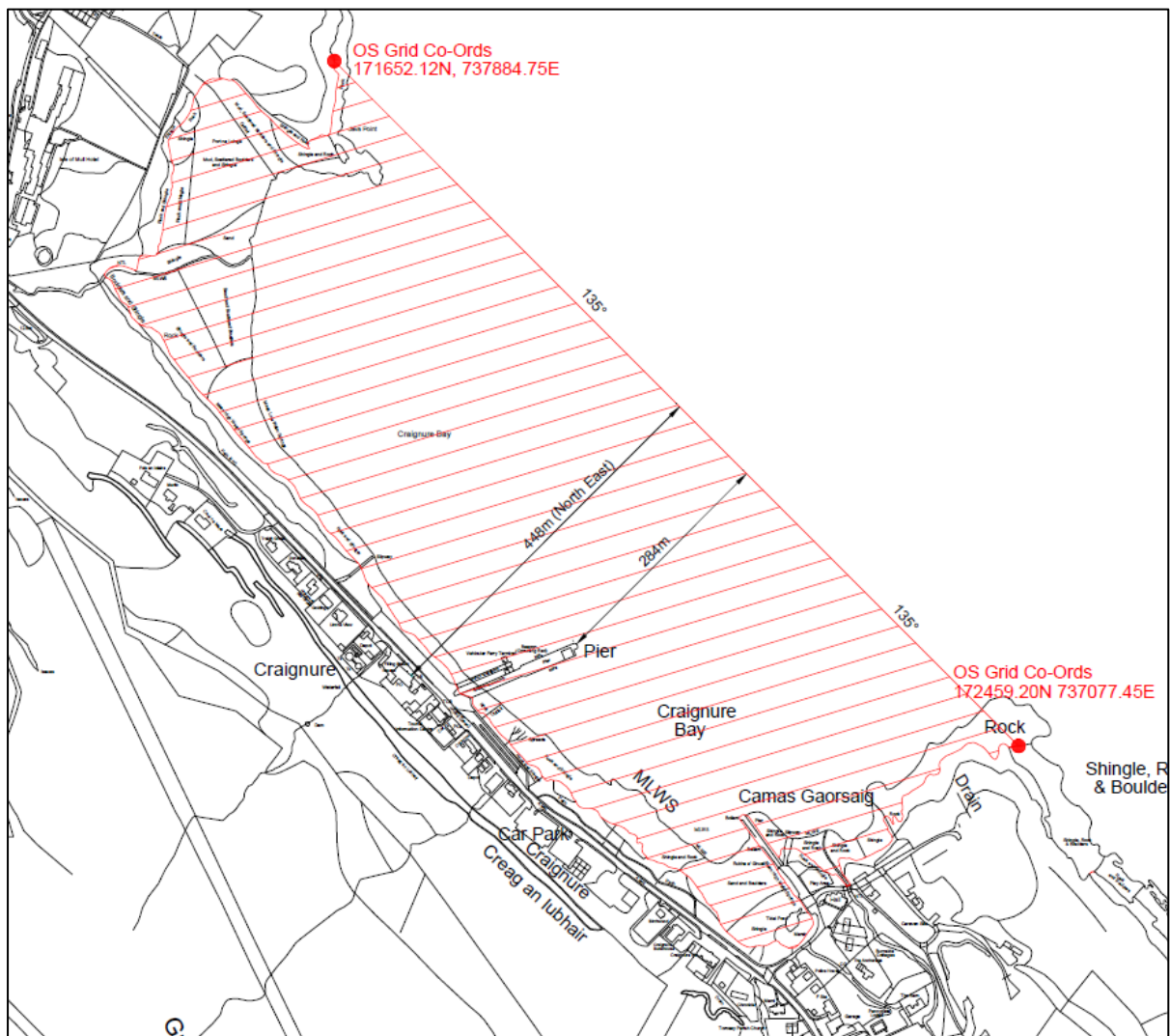


Figure 1. Craignure Harbour Limits

Bunessan pier is located on the Ross of Mull in the south west of the Isle of Mull, A&BC is the marine facility owner for the pier structure, but the area does not form part of an SHA. The pier was constructed from the local granite in *circa* 1846, prior to the building of the pier boats anchored in the bay and shuttled their cargo ashore in small boats. Current use of the pier is local fishing vessels all the year round and visiting yachts during the summer months.

Fionnphort is the Mull terminal for the Iona Ferry. The marine berthing facilities at Fionnphort are owned by A&BC but the area does not form part of an SHA. The port has a slipway providing passenger and vehicle access to the ferry, plus a pier which is used by local fishing vessels, recreational and privately-owned craft. Baile Mòr is the Isle of Iona terminal for the Iona Ferry. The port has a slipway providing passenger and vehicle access to the ferry, as well as being used by local fishing vessels, recreational and privately-owned craft. The Iona ferry route is operated by CalMac Ferries Ltd (CFL) and provides a lifeline service linking the Isle of Iona to the Isle of Mull.

Vessel traffic within the Sound of Iona can be characterised into two groups. The first is the ferry traffic which navigates between Fionnphort and Baile Mòr on the Isle of Iona (approximate east to west route, linking the Isles of Mull and the Isle of Iona). The second, is traffic transiting through the Sound (approximate north-east, south-west direction) which is comprised of fishing vessels, recreational vessels and the Staffa Tour boats which operate from Fionnphort and Baile Mòr on Iona.

## 2 Purpose and Method

### 2.1 Audit scope

Argyll and Bute Council (A&BC) has contracted ABPmer to provide Designated Person services for its ports, harbours and piers. Part of this service includes the provision of annual auditing to establish if the Harbour Authority is compliant with the requirements of the Port Marine Safety Code (PMSC). The scope of the audit includes a review of Harbour Authority performance against the standard laid out within the latest edition of the Code. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

### 2.2 Audit definitions and outcomes

The following definitions are used in the audit report:

**Non-compliance:** is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The Port Marine Safety Code requires organisations to confirm compliance with the requirements of the Code. Therefore, Port Marine Safety Code audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

**Non-conformity:** is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the port or harbour's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

**Evidence:** Non-compliances and non-conformities are identified through factual evidence sampled during the audit.

#### 2.2.1 Outcomes

The audit report uses the following outcomes:



**Non-Compliance:** a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



**Observation:** refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with local operating instructions. Whilst observations are defined as improvement opportunities, addressing them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



**Satisfactory:** a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

**Not applicable:** part of the Code that is not relevant to the Organisation being audited.

## 2.3 Audit date and criteria

The audit was carried out onsite at Oban on 06 September 2022, with a site visit to the Isle of Mull and the Isle of Iona on the 29 September 2022. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), has been used as the benchmarking standard within Appendix A. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

In addition, within Appendix B the Health and Safety Executive (HSE) publication L148 'Safety in Docks: Approved Code of Practice and Guidance' (ACOP) (HSE, 2014) and the Port Skills and Safety (PSS) publications SIP 005 'Guidance on Mooring' (PSS, 2020) and SIP 014 'Guidance on Safe Access and Egress' (PSS, 2019) have been used. The appendix tables to this report contain the test questions and evidence, noting down conformity, non-conformity and observational remarks.

## 2.4 Auditor

The following auditor conducted this audit.




Team Member	Initials	Company, Designation
Harry Aitchison	HJA	ABPmer, Maritime Consultant Internal Auditor: Quality Management Systems (QMS ISO 9001)
Monty Smedley	MJS	ABPmer, Principal Maritime Consultant Lead Auditor for Quality Management Systems (QMS ISO 9001) Designed Person (PMSC) Argyll and Bute Council
Sophie Butler	SRB	ABPmer, Maritime Analyst Internal Auditor: Quality Management Systems (QMS ISO 9001)

## 2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Allan Finlay	AF	Piers and Harbours – Technical Officer
Julie Hendry	JH	Marine Operations – Admin Officer
Scott Reid	SR	Marine Operations Manager
Vicki McKenzie	VM	Oban North Pier – Harbour Master

### 3 Audit Summary

Number	Key Measures Ten-Point 'Health Check'			
1	Duty Holder	0	2	5
2	Designated Person	0	1	2
3	Legislation	1	2	3
4	Duties and Powers	0	15	37
5	Risk Assessment	2	1	4
6	MSMS	3	5	9
7	Review and Audit	0	1	4
8	Competence	0	7	3
9	Plan	1	0	2
10	Aids to Navigation	0	0	2
<b>Total</b>		<b>7</b>	<b>34</b>	<b>71</b>

The summary presented in the above table identifies that, for the ten-point health-check, Argyll and Bute Council as the Statutory Harbour Authority for Craignure and the marine facility owner for Bunessan, Fionnphort and Iona Slipway, the Council is found **not to be fully compliant** with the requirements of the Port Marine Safety Code. The following three non-compliances were recorded:

- The MSMS does not cite the Craignure 1961 Order, nor are the harbour limits shown. The MSMS must contain information on the local legislation for Craignure and expand upon the powers, duties and responsibilities provided by the local Acts and Orders.
- The MSMS does not state the expected review frequency for marine risk assessments. The MSMS does state in its Annexes for each port that: "The Harbour staff will record all incidents/accidents/near misses on the Safety Management System (MarNIS). The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence". It can be concluded that marine risk assessments are reviewed after incidents occur, however the MSMS does not state that the risk assessments are updated or re-issued. The MarNIS system provides notification of assessments which are about to expire, based on a one-year review frequency. Users may set their own review frequency.
- The 'Marine Safety Plan' for the years 2018 to 2020 (the previous plan) has not been assessed and the Organisation's performance against the plan published.
- Bunessan, Fionnphort and Iona do not have any operational marine/navigational risk assessments. A review of marine hazards and the creation of marine/navigational risk assessments for Bunessan, Fionnphort and Iona should be conducted without delay.
- Bunessan, Fionnphort and Iona are not included in the MSMS. The Code requires that all marine facilities, as a minimum, are operated with reference to a proportional MSMS.
- The MSMS Section 4 addresses 'Consultation', with sections on consultation policy, statutory consultation and consultation with interested parties. The MSMS does not provide information on the consultation process in place for Craignure, Bunessan, Fionnphort or Iona.
- There is no method for recording incident records for Bunessan, Fionnphort and Iona. Information from the audit identifies that no incidents have been reported.



The PMSC audit identified 34 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. The following points identify the more significant items:

- The Admiralty Chart, 2389 'Loch Linnhe Southern Part' and 2390 'Sound of Mull' does not map the statutory harbour limits for Craignure
- Whilst there are system audits of the MSMS, it is not clear if Craignure, Bunessan, Fionnphort and Iona have been included in a cyclic audit of unstaffed marine facilities.
- There have been no bathymetric surveys Bunessan, which this is not a statutory harbour authority (and therefore a survey is not required under Conservancy Duty) the A&BC Hydrographic Policy commits to undertaking such hydrographic surveys as are necessary for safe and efficient navigation and to provide port users with up-to-date and accurate hydrographic information. As such, the absence of survey information for Bunessan is considered to be a **non-conformity** with A&BC's hydrographic policy.
- At the time of audit there was no evidence of an appointment letter for the statutory role of Harbour Master or Deputy Harbour Master for Craignure.
- Fionnphort does not have any information on the A&BC 'Piers and Harbours' website.
- The MSMS Annex on Craignure does not provide information on how powers of Special Direction are used for controlling vessel movements.
- There is currently no method of obtaining assurance that craft working commercial (i.e., not Council activities) are operating their vessels in accordance with relevant MCA codes.

Quayside checks were also carried out all four facilities, a number of observations were recorded as shown in Appendix B. The following identify key findings:

- At Craignure, some of the water egress (safety) ladders do not continue below the waterline. It is a requirement that ladders extend to at least 1 m below the water surface at low water.
- At Bunessan, housekeeping was noted to be poor with disused ropes hanging off the pier and a substantial amount of stored and/or abandoned fishing equipment. This equipment obstructed access to safety equipment and water egress ladders.
- At Bunessan, one life ring was noted to be in a deteriorated state of repair.
- At Fionnphort, gated access to the pier was tied shut, with ferry employees witnessed jumping around the gate rather than going through it. Operational areas should be gates to prevent public access; however, gates should be accessible to pier operatives/ferry staff.
- At the Isle of Iona slipway, a significant amount of concrete obstructed access for small vessels using the slipway at certain states of tide. This presents a navigational hazard and creates a risk of vessel grounding or contact which may result in hull damage.

The following points of best practice were noted:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.8% for Category 2 Aids.
- At the time of audit, all seven Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended Duty Holder Training. The Marine Safety Plan has an objective of 100% attendance for Duty Holder training.

## 4 References

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

DfT, 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.

Health and Safety Executive (HSE), 2014. 'Safety in Docks: Approved Code of Practice and Guidance' (ACOP), Publication L148.

ISO 9001: Quality Management Systems. International Organization for Standardization.

MCA, 2022. Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom. Marine Guidance Note: MGN 401 (M+F) Amendment 3. Maritime & Coastguard Agency, March 2022.

Port Skills and Safety (PSS), 2019. Guidance on Safe Access and Egress, SIP 014. September 2019.  
<https://www.portskillsandsafety.co.uk/resources/sip014-guidance-safe-access-and-egress>

Port Skills and Safety (PSS), 2020. Guidance on Mooring, SIP 005. November 2020.  
<https://www.portskillsandsafety.co.uk/resources/sip-005-guidance-mooring-operations>

### 4.1 Websites

<https://www.argyll-bute.gov.uk/fees/22/piers>

<https://www.argyll-bute.gov.uk/marine-safety-management-system>

<https://www.argyll-bute.gov.uk/mid-argyll-kintyre-and-islay/craignure-pier>

<https://www.argyll-bute.gov.uk/moderngov/ieListMeetings.aspx?CId=567&Year=0>

[https://www.argyll-bute.gov.uk/sites/default/files/dp\\_contact\\_information\\_abc.pdf](https://www.argyll-bute.gov.uk/sites/default/files/dp_contact_information_abc.pdf)

<https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list>

## 5 Abbreviations/Acronyms

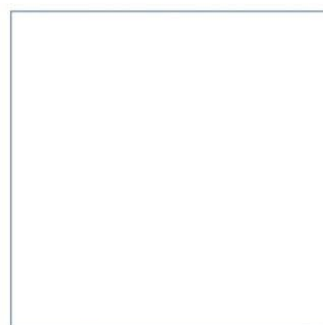
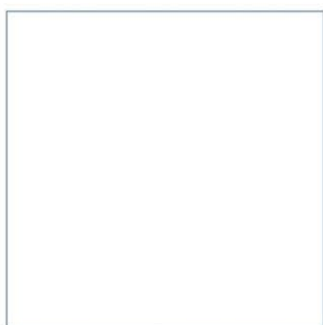
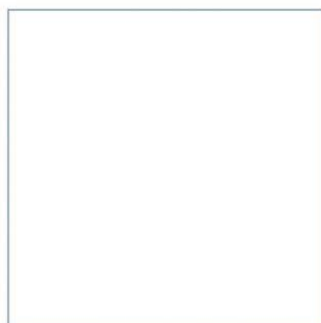
A&BC	Argyll and Bute Council
ACOP	Approved Code of Practice and Guidance
ALRS	Admiralty List of Radio Signals
AtoN	Aid(s) to Navigation
BPA	British Ports Association
CARP	Critical Activity Recover Plan
CAT	Category
CERS	Consolidated European Reporting System
CFL	CalMac Ferries Limited
CHA	Competent Harbour Authority
DfT	Department for Transport
DGHAR	Dangerous Goods in Harbour Areas Regulations 2016
DRA	Dynamic Risk Assessment
DSHAR	Dangerous Substances in Harbour Areas Regulations 2016
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act 1847
HQ	Head Quarters
HR	Human Resources
HRO	Harbour Revision Order
HSE	Health and Safety Executive
IMO	International Maritime Organization
ISO	International Organization for Standardization
KPI	Key Performance Indicator
LATON	Local Aids to Navigation
LLA	Local Lighthouse Authority
LPS	Local Port Service
LSE	Lifesaving Equipment
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MarNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MS	Microsoft
MSMS	Marine Safety Management System
n/a	Not Applicable
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
PEC	Pilotage Exemption Certificates
PFSP	Port Facility Security Plan
PMSC	Port Marine Safety Code
PSS	Port Skills and Safety
QMS	Quality Management System
RATSA	Railways and Transportation Safety Act
RNLI	Royal National Lifeboat Institute
RYA	Royal Yachting Association
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency

SHA	Statutory Harbour Authority
SIP	Safety in Port
SOPs	Standard Operating Procedures
SOSREP	Secretary of State's Representative
SPA	Special Protection Areas
SWL	Safe Working Load
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VTS	Vessel Traffic Service

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

# Appendices



Innovative Thinking - Sustainable Solutions

# A Detailed Audit Findings

## A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation's Duty of Care for users of the harbour, port of facility stated?	<b>Satisfactory</b> – A&BC's Marine Safety Management System (MSMS), version 11, issued in May 2020, states in Section 10 under the heading Conservancy that: <i>"There is a duty to conserve a harbour so that it is reasonably fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for vessels to use"</i> .		MJS_001	MJS
		Are local Acts and Orders identified?	<b>Satisfactory</b> – one of the locations audited has a harbour Act: <ul style="list-style-type: none"> <li>▪ Craignure is a Statutory Harbour Authority (SHA), the harbour authority has a copy of its local legislation in the form of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.</li> <li>▪ Bunessan, Fionnphort and Iona Slip are marine facilities and outwith an SHA boundary, there is no (known) extant local harbour legislation.</li> </ul>		MJS_005	MJS
		Is the Harbour, Docks and Piers Clauses Act (HDPCA) 1847 incorporated into local Acts and Orders?	<b>Satisfactory</b> – the HDPCA has been incorporated, as referenced in the Section 2(1) and Section 3(3) of the 1961 Act.		MJS_005	MJS
1.6 – 1.7	The Duty Holder	Has the organisation appointed and confirmed who the Duty Holder is?	<b>Satisfactory</b> – A&BC has assigned the post and accountability of the Duty Holder to the Council's Executive Director of Development and Infrastructure Services. The Harbour Board retains responsibility for providing policy direction to the officers of the Authority. An organisational structure is provided the MSMS, Section 2.1.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	<p><b>Satisfactory</b> – the MSMS, Section 2.2 lists the duties of the Duty Holder.</p> <p><b>Observation</b> – the role laid out in the MSMS for the Duty Holder does not include all the bullet point requirements listed in the Code (DfT, 2016).</p>	<p><b>Recommend</b> – to ensure a match between the role, as laid out in the Code, and the role defined in the MSMS, it is recommended that Section 2.2. is reviewed.</p>	MJS_001	MJS
1.10	The Duty Holder	Does the Duty Holder (and Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	<p><b>Satisfactory</b> – the Harbour Board and Duty Holder receive information from officers of the Authority, presented as technical reports to Board Meetings. Annually the Harbour Board and Duty Holder visit one of the Councils ports, harbours or piers. The last Oban visit was on 24 September 2021. The Harbour Board were also invited to the Campbeltown Emergency Response Exercise in November 2021. The MSMS is provided on the Council's website making it a simple process to view the most recent version.</p>		MJS_001	MJS
		Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	<p><b>Satisfactory</b> – all the current (seven) Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended training run on 05 September 2022. The Marine Safety Plan has an objective of 100% attendance on the Duty Holder training course by the completion date of the plan. <b>This is an area of best practice.</b> It should be noted that at the time of audit, a bye-election was planned and following its completion the Harbour Board will increase to eight.</p>		MJS_002 MJS_006	MJS
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	<p><b>Satisfactory</b> – the Duty Holder has appointed ABPmer to provide Designated Person services, with Monty Smedley as the named Designated Person. This contract commenced on 01 November 2021. The Designated Person's contact details were posted on the Oban staff notice board.</p>		<a href="https://www.argyll-bute.gov.uk/site/default/files/dp_contact_information_abc.pdf">https://www.argyll-bute.gov.uk/site/default/files/dp_contact_information_abc.pdf</a>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.11-1.12	Cont. The Designated Person	Is the Designated Person's role explained in the MSMS?	<b>Satisfactory</b> – the MSMS, Section 2.5 lists the duties of the Designated Person.  <b>Observation</b> – the appointment information in Section 2.5 of the MSMS is not accurate.	<b>Recommendation</b> – the Designated Person's details in the MSMS are updated.	MJS_001	MJS
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	<b>Satisfactory</b> – the MSMS, Section 2.2 lists the responsibilities of the Duty Holder, who is also the Chief Executive.  <b>Observation</b> – the MSMS, Section 2.2 does not address the financial and resource role that typically, a Chief Executive would be responsible for providing in respect of a Harbour Authority function.	<b>Recommendation</b> – the role profile in the MSMS is reviewed and wording around 'adequate resources' is included.	MJS_001	MJS
		How is marine safety funded within the organisation?	<b>Satisfactory</b> – funding is identified and agreed through the Council's approvals process. Officers of the Authority have delegated spending powers within their spending limits. All significant funding decision outside of spending limits come to the Harbour Board; officers of the Authority provide technical input to Harbour Board decisions.		n/a	MJS
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	<b>Satisfactory</b> – the MSMS, Section 2.5 states that: <i>"Harbour Masters and their Assistants will support the Marine Operations Manager to develop the team's service plans by working in partnership with colleagues (within and out with the service) and by taking personal responsibility for planning how these are delivered effectively and efficiently"</i> . Section 2.5 lists specific duties.		MJS_001	MJS
		Does an officer with responsibilities for marine safety attend Board meetings?	<b>Satisfactory</b> – three times a year, a report is provided by the Executive Director for Roads and Infrastructure; major issues are raised to the Harbour Board. Evidence from the Harbour Board meeting of 01 September 2022 identifies reports including the Marine Asset Management Plan Update, Port Marine Safety Code Update, Oban Bay Update and Draft Harbour Board Workplan.		MJS_006 MJS_007  <a href="https://www.argyll-bute.gov.uk/moderngov/ieListMeetings.aspx?CategoryId=567&amp;Year=0">https://www.argyll-bute.gov.uk/moderngov/ieListMeetings.aspx?CategoryId=567&amp;Year=0</a>	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	<p><b>Satisfactory</b> – the MSMS, Section 2.3 lists the responsibilities of the Organisation's Officers (including the Head of Roads and Amenity Services and the Marine Operations Manager). Section 2.4 has a sub-heading for Assistant Harbour Masters.</p> <p><b>Observation</b> – the role of the Technical Officer(s) for Piers and Harbours could be usefully included within the MSMS.</p>	<p><b>Recommendation</b> – include the role of the Technical Officer(s) for Piers and Harbours.</p>	MJS_001	MJS

## A.2 PMSC Section 2 – Key Measures Needed to Secure Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> <li>MAIB digest / reports</li> <li>MCA health check trends</li> </ul>	<b>Satisfactory</b> – the MCA Health Checks trends was included in the Designated Person’s briefing note which was tabled at the 02 September 2021 Harbour Board meeting. Information from the MAIB and the BPA in the former of safety circulars are distributed by the Marine Operations Admin Officer. Evidence sighted.		MJS_009 MJS_010	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	<b>Satisfactory</b> – the Harbour Authority has a copy of the Craignure 1961 Order, plus a map with the extent of the harbour limits shown.		MJS_003 MJS_005	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	<b>Non-compliance</b> – the MSMS does not cite the Craignure 1961 Order, nor are the harbour limits shown.	<b>Recommendation</b> – the MSMS must contain information on the local legislation for Craignure and expand upon the powers, duties and responsibilities provided by the local Acts and Orders.	MJS_001	MJS
		Have the Harbour Authority’s existing powers been reviewed?	<b>Satisfactory</b> – the harbour acts have been reviewed by A&BC lawyers with an external review conducted by marine lawyers. Recommendations a consolidated Harbour Act (covering all Argyll and Bute ports, harbours and marine facilities (excluding Oban)) has been commenced.		MJS_047	MJS
		Is the organisation’s jurisdiction mapped and clear?	<p><b>Satisfactory</b> – the ‘Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961’, Part 4, Section 24(2) sets out the harbour limits. This area is mapped by the Council.</p> <p><b>Observation</b> – the Admiralty Chart, 2389 ‘Loch Linnhe Southern Part’ and 2390 ‘Sound of Mull’ does not map the port limits.</p> <p><b>Observation</b> – the MSMS, does not include information on the Craignure SHA boundary.</p>	<p><b>Recommendation</b> – providing the boundaries to the UK Hydrographic Office including descriptions from the 1961 Act, Part 4, Section 24(2) requesting update of the harbour limits.</p> <p><b>Recommendation</b> – the description for A&amp;BC’s SHA area at Craignure is included in the MSMS to match the areas described in the 1961 Act, Part 4, Section 24(2).</p>	MJS_003 MJS_005	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Have risks associated with marine operations been assessed and a means of controlling them deployed?	<p><b>Satisfactory</b> – the MSMS, Section 8 describes the assessment methodology. A set of 11 risk assessments are in place for Craignure harbour, all assessments were in-date at the time of audit. Review dates were completed on 13 September 2022. The hazard scenarios cover a range of foreseeable eventualities based on current harbour activities.</p> <p><b>Non-compliance</b> – Bunessan, Fionnphort and Iona do not have any operational marine/navigational risk assessments.</p>	<p><b>Non-compliance</b> – a review of marine hazards and the creation of marine/navigational risk assessments for Bunessan, Fionnphort and Iona.</p>	MJS_001 MJS_004 MJS_011 MJS_012	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent?	<p><b>Satisfactory</b> – the Harbour Master has undertaken a training course for marine risk completed on 02 March 2021. Certificate sighted.</p>		MJS_013	MJS
		Are stakeholders included in marine risk review/assessments?	<p><b>Satisfactory</b> – risk assessment reviews are conducted with the Assistant Harbour Master. The risk assessment sample identifies that the Royal Yachting Association (RYA), the Royal National Lifeboat Institute (RNLI) and the Clyde Cruising Club were consulted on selected risk assessments for Craignure.</p>		MJS_004 MJS_012	MJS
			<p><b>Non-compliance</b> – the MSMS does not state the expected review frequency for marine risk assessments. The MSMS does state in its Annexes for each port that: <i>“The Harbour staff will record all incidents/accidents/near misses on the Safety Management System (MarNIS). The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence”</i>. It can be concluded that marine risk assessments are therefore reviewed after incidents occur, however it does not state that the risk assessment is updated or re-issued,</p>	<p><b>Recommendation</b> – the Harbour Authority requirement for frequency of risk assessment review is positively stated in the MSMS for the avoidance of doubt, for example: Marine Risk Assessment must be reviewed annually and following an accident or incident that changes the specifics of an existing risk assessment.</p>	MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont.  2.7 – 2.11	Cont.  Use of Formal Risk Assessment (FRA)	Cont.  Does the MSMS prescribe the review frequency for risk assessments?	Cont.  nor is any review frequency given. The MarNIS system provides notification of assessments which are about to expire, based on a standard one-year review frequency. Users may set their own review frequency.		MJS_001	MJS
		Is a system of Dynamic Risk Assessment (DRA) used?	<b>Satisfactory</b> – a DRA flow diagram has been prepared and distributed to harbour staff at Oban, a copy was posted on the notice board.  <b>Observation</b> – the MSMS does not address the expectations of the Harbour Authority in respect to DRA.	<b>Recommendation</b> – the approach to Dynamic Risk Assessment is defined for harbour staff.	MJS_048	MJS
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	<b>Satisfactory</b> – A&BC's Marine Safety Management System (MSMS) is issued as version 11, dated May 2020. A revision history is included with notes defining changes made over time. The MSMS is presented as a manual and supporting Annexes for individual ports, harbours and piers which includes Craignure.  <b>Observation</b> – the MSMS distribution list contains names of post holders which is out of date.  <b>Observation</b> – the MSMS contains various sections of national guidance, some of which is generic in nature and not tailored to A&BC's specific circumstances.  <b>Non-compliance</b> – Bunessan, Fionnphort and Iona are not included in the MSMS. The Code requires that all marine facilities, as a minimum, are operated with reference to a proportional MSMS.	<b>Recommendation</b> – the distribution list should be reviewed with posts and roles updated as required.  <b>Recommendation</b> – the MSMS should be fully reviewed to remove extraneous information and provide tailored procedures to each port, harbour and pier.  <b>Recommendation</b> – marine activities relevant to Bunessan, Fionnphort and Iona are documented in the MSMS.	MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.15	Key Performance Indicators (KPIs)	Does the harbour authority detail KPIs and/or make a statement about performance in the organisation's annual report?	<p><b>Satisfactory</b> – A&amp;BC's key performance indicators for ports and harbours are identified in the 'Marine Safety Plan' as specific outcomes.</p> <p><b>Observation</b> – the MSMS does not address port and harbour KPIs.</p>	<p><b>Recommendation</b> – a section on KPIs should be included within the MSMS, with reference to the expectations of internal business processes and the 'Marine Safety Plan'.</p>	MJS_001 MJS_002	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	<p><b>Satisfactory</b> – the MSMS, Section 2 'Key Personnel and Responsibilities' assigns responsibility for safety and conservancy to key post holders in the Harbour Authority.</p>		MJS_001	MJS
2.17	MSMS Consultation	Are forum/consultation meetings held?	<p><b>Non-compliance</b> – the MSMS Section 4 addresses 'Consultation', with sections on consultation policy, statutory consultation and consultation with interested parties. The MSMS does not provide information on the consultation process in place for Craignure, Bunessan, Fionnphort or Iona.</p>	<p><b>Recommendation</b> – organise and run regular user consultation meetings, record meeting minutes and outcomes.</p>	n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p><b>Satisfactory</b> – Craignure, Bunessan, Fionnphort and Iona have no onsite A&amp;BC staff. The harbour master team from Oban provides this function. With respect to evidence of competency standards for these staff, two MS Excel files are maintained, the first is titled ‘Harbour Training Matrix 2021’ the second is titled ‘training records’. The training matrix identifies the Essential, Required, Advantageous and Not Required training. The training records identifies staff by location with dates against qualifications held.</p> <p><b>Observation</b> – the matrix does not include the roles of the Duty Holder, the Marine Operations Manager, Technical Officers, Senior Pier Operatives and the Marine Operations Admin Officer. The training record files does hold a ‘HQ and Others’ worksheet.</p> <p><b>Observation</b> – it is not clear what the terms ‘Essential’ and ‘Required’ mean on the matrix.</p> <p><b>Observation</b> – the training matrix identifies roles and named individuals.</p> <p><b>Observation</b> – the MSMS, Section 6.3 states that: “<i>The ARGYLL &amp; BUTE HARBOUR BOARD will maintain a training matrix for all staff and the respective line managers are responsible for keeping it up-to-date</i>”. The training matrix is maintained by the Marine Operations Admin Officer, with notification of training completed provided by Harbour Masters.</p>	<p><b>Recommendation</b> – that all roles are identified in the matrix to ensure it documents all job roles with a remit for delivering marine safety functions for the Harbour Authority.</p> <p><b>Recommendation</b> – provide definitions for the terms used on the matrix for the avoidance of doubt.</p> <p><b>Recommendation</b> – considering if names are required against roles in the matrix.</p> <p><b>Recommendation</b> – review the wording and process in the MSMS Section 6.3 to ensure it operates as required.</p>	MJS_001 MJS_014 MJS_015	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont.  2.18	Cont.  Competence standards	Is there a policy on revalidation or maintenance of qualifications in place?	<p><b>Satisfactory</b> – the MSMS, Section 6.1 is titled 'Argyll and Bute Council Training Policy'. The bullet pointed items in the training policy are considered to be comprehensive.</p> <p><b>Observation</b> – it is not clear if the 'policy' within the MSMS has been approved by the Harbour Board and Duty Holder, nor is it clear at what frequency this policy is reviewed.</p>	<p><b>Recommendation</b> – the policy is separated from the body of the MSMS manual and presented as part of a policy pack.</p>	MJS_001	MJS
		Is there a list of the organisation's staff, training received, qualifications held and/or experience required for their role?	<p><b>Satisfactory</b> – the Marine Operations Admin Officer maintains a central record of training. Individual staff are identified with dates of training and certification held in day/month/year format. Harbour Master keeps a local record of all staff training.</p> <p><b>Observation</b> – where training has been undertaken by the Council, the Marine Operations Admin Officer maintains course certification. Where qualifications were already held by the individual or completed locally, the Harbour Master holds the certification.</p> <p><b>Observation</b> – the training records do not clearly lay out the date taken and expiry date for qualifications</p>	<p><b>Recommendation</b> – that the Council considers carrying out an audit of certification required to be held by staff and updates its central records accordingly.</p> <p><b>Recommendation</b> – adding date taken and expiry date (named columns) to training records.</p>	MJS_001 MJS_014 MJS_015	MJS
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> <li>▪ reporting</li> <li>▪ recording of incidents</li> <li>▪ investigation</li> <li>▪ enforcement (if relevant).</li> </ul>	<p><b>Satisfactory</b> – the MSMS Section 3.6 details the process to follow should an incident occur, this addresses reporting. The MSMS Section 9.2, 9.3, 9.6 and 9.7 details incident procedures and investigation. There are no incidents recorded for Craignure (noting that the database commences in 2017). Records evidenced.</p> <p><b>Non-compliance</b> – there is no structured method for recording incident records for Bunessan, Fionnphort and Iona. Information from audit identifies that no incidents have been reported.</p>	<p><b>Recommendation</b> – a method of recording incidents, investigations and outcomes should be put in place for Bunessan, Fionnphort and Iona.</p>	MJS_016 MJS_017	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	<b>Satisfactory</b> – the MSMS Section 9.8 details actions to be taken in the event of death or crime.		MJS_001	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	<b>Satisfactory</b> – incident reports are distributed to the Scottish Environment Protection Agency (SEPA) and the Maritime and Coastguard Agency (MCA), the MSMS, Section 3.7.1 identifies MCA reporting requirements.		MJS_001	MJS
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	<b>Satisfactory</b> – the MSMS Section 9.10 details statutory reporting requirements, including the Marine Guidance Note (MGN) 564 'Incident reporting and investigation'. There have been no MAIB reportable incidents within A&BC's SHA since MarNIS records commenced in 2017.		MJS_001 MJS_017	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	<b>Satisfactory</b> – the last external audit of the MSMS was conducted in October 2018 at: Campbeltown, Oban, Port Beag, Cuan Ferry Slip and Easdale Ferry. The last internal audit was carried out at Oban in August 2022.  <b>Observation</b> – whilst there are system audits of the MSMS, it is not clear if Craignure, Bunessan, Fionnphort and Iona have been included in a cyclic audit of unstaffed marine facilities.	<b>Recommendation</b> – the development of an internal audit schedule that includes unstaffed marine facilities.	MJS_019 MJS_020 MJS_021 MJS_022	MJS
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	<b>Satisfactory</b> – the MSMS Section 9.12 provides the enforcement procedure.  <b>Observation</b> – text within the MSMS provides outline requirements. There are no specific processes in place for Craignure with respect to enforcement or prosecution. This links to topics of duties and powers, local legislation and byelaws.	<b>Recommendation</b> – the development of Craignure specific information and/or processes for enforcement and prosecution.	MJS_001	MJS
		Is there a policy on enforcement and prosecution in place?	<b>Satisfactory</b> – the MSMS, Section 9.11 is titled 'Enforcement Policy'.  <b>Observation</b> – it is not clear if the 'policy' within the MSMS has been approved by the Harbour Board and Duty Holder, nor is it clear at what frequency this policy is reviewed.	<b>Recommendation</b> – the policy is separated from the body of the MSMS manual and presented as part of a policy pack.	MJS_001	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	<b>Satisfactory</b> – this requirement is evidence through the publication of PMSC policy and plans on the Council's website.		<a href="https://www.argyll-bute.gov.uk/marine-safety-management-system">https://www.argyll-bute.gov.uk/marine-safety-management-system</a>	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	<b>Non-compliance</b> – the 'Marine Safety Plan' for the years 2018 to 2020 (the previous plan) has not been assessed and the Organisation's performance published.	<b>Recommendation</b> – a review of the previous plan for the years 2018 to 2020 is assessed and published.	n/a	MJS
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	<b>Satisfactory</b> – a signed and issued 'Marine Safety Plan' approved by the Harbour Board on 04 March 2021 is hosted on the Council's website. The plan covers the years 2021 to 2023.		MJS_002	MJS
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users?	See response in this Audit report, Section 2.17 on Consultation.		n/a	MJS
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	<b>Satisfactory</b> – the Council wrote to the MCA on 10/03/21 to confirm its current state of compliance with the Code. Letter evidenced. The DfT list of ports reporting compliance does not include A&BC ports, harbours or marine facilities. This position has been taken by the DfT, guidance by the MCA, as the Council has confirmed it is not compliant at the time of writing the letter but was working towards full compliance in a number of key areas, including: legislation review and update, policy review, MSMS documentation and creation of Standard Operating Procedures (SOPs).		MJS_023 <a href="https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list">https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list</a>	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations with its jurisdiction comply with the requirements of the Code?	<b>Satisfactory</b> – there are no other Organisations within the Craignure SHA area operating marine facilities.		n/a	MJS

### A.3 PMSC Section 3 – General Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	<b>Satisfactory</b> – a commitment to ‘safe and efficient’ port operations is made in the MSMS within the hydrographic policy and within individual port, harbour and Pier Annexes. Checking of the pier and breakwater is part of the pier asset inspection regime.		MJS_001	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty’?	<b>Satisfactory</b> – Craignure operates on the premise that an Open Port Duty under Section 33 of the ‘Harbours, Docks and Piers Clauses Act 1847’ is in place. Bunessan, Fionnphort and Iona are not subject to Open Port Duty.		MJS_001 MJS_005	MJS
3.6 – 3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> <li>▪ Survey as necessary</li> <li>▪ Place navigation marks</li> <li>▪ Keep ‘vigilant watch’ for any seabed changes</li> <li>▪ Keep hydrographic records</li> <li>▪ Ensure hydrographic information is published</li> <li>▪ Update UKHO.</li> </ul>	<p><b>Satisfactory</b> – the MSMS, Section 10, details the Harbour Authority’s approach to conservancy. This includes conservancy duty, hydrographic survey policy, dredging, Aids to Navigation (AtoN), wreck removal, dangerous vessels and licensing marine works. The last bathymetric survey at Craignure was conducted on 02 November 2021, the 30 May 2017 at Fionnphort, and 09 November 2020 at Iona. Information was passed by the survey contractor to UKHO.</p> <p><b>Observation</b> – there have been no bathymetric surveys of Bunessan. The MSMS, in Section 10 ‘conservancy’ and Section 10.3 ‘Hydrographic Policy’ commit to undertaking such hydrographic surveys as are necessary for safe and efficient navigation and to provide port users with up-to-date and accurate hydrographic information. As such, the absence of survey information for Bunessan is <b>considered to be a non-conformity</b> with A&amp;BC’s hydrographic policy.</p>	<p><b>Recommendation</b> – the policy on hydrographic survey is applied and bathymetric surveys conducted at Bunessan with the information shared with marine facility users.</p>	MJS_001 MJS_016 MJS_017 MJS_024	MJS
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	<b>Satisfactory</b> – a bilateral agreement between A&BC and the UKHO is in place, dated 17 March 2017.		MJS_025 MJS_026	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	<b>Satisfactory</b> – there is no evidence that A&BC as Harbour Authority at Craignure has any powers to licence marine works under its local Acts and Orders. There is no licence held for the disposal of dredged material at sea.		MJS_005	MJS
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> <li>▪ Nature conservation Section 48A of Harbours Act 1964</li> <li>▪ Obligations for SPA, SACs under Habitat Regs.</li> <li>▪ the Nature Conservation (Scotland) Act 2004</li> </ul>	<p><b>Satisfactory</b> – the MSMS, Section 11 is titled 'Environmental Policy' and Section 11.1.1 which provides four bullet points on plans, procedures and policies. Information regarding Craignure and its local habitat is contained in the Oil Pollution Response plan.</p> <p><b>Observation</b> – the environmental policy lacks detail on how the obligations of the Harbour Authority under national legislation is delivered.</p> <p><b>Observation</b> – practical measures for applying the policy (in terms of procedures) are not evident from the MSMS.</p> <p><b>Observation</b> – training for staff on environmental duties and associated policy and procedures is not in place.</p>	<p><b>Recommendation</b> – the policy is separated from the body of the MSMS manual and presented as part of a policy pack with improved information linking to obligations under national legislation.</p> <p><b>Recommendation</b> – develop procedures and link to staff training to implement environmental policy.</p> <p><b>Recommendation</b> – development of a standardised environmental training delivery for port, harbour and pier employees.</p>	MJS_001 MJS_030	MJS
3.9	Civil Contingency Duty	Does the MSMS include reference to the Harbour Authority's obligations as a Category 2 responder?	<b>Satisfactory</b> – the MSMS includes reference to Civil Contingency duties within supporting port, harbour and pier Annexes.		MJS_001	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	<b>Satisfactory</b> – an Oil Pollution Response Plan is in place, which was approved by the MCA on 04 December 2018 and is valid until the 27 November 2023. The annual OPRC return form was evidenced. A&BC maintain a Critical Activity Recover Plan (CARP) which incorporates the Council's Civil Contingency duties.		MJS_027 MJS_046	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont.  GtGP 6.2.4, 6.5	Cont.  Emergency Planning / Pollution control	Does the port/harbour carry out emergency plan exercises?	<b>Satisfactory</b> – a training exercise for oil pollution was carried out for A&BC in Campbeltown on 23 November 2021, as operation ‘Smerby’. Evidence provided. In addition, locally, the Harbour Master has kit musters and drills prior to each season with seasonal staff. Staff also practised replacing a contaminated boom with a clean boom whilst keeping any oil entrapped.  <b>Observation</b> – annual exercises of both the Oil Pollution Response Plan and the Emergency Plan at Craignure would be beneficial to schedule.	<b>Recommendation</b> – the production of a yearly planner to detail emergency exercises.	MJS_031 MJS_032	MJS
3.10 – 3.11	Harbour Authority Powers review	Has the Harbour Authority reviewed its powers?	See the audit report response in Section 2.3 – 2.6.		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	<b>Satisfactory</b> – the last HRO was made in 1961. The need for a revision to bring all ports, harbour, piers and marine facilities into a common and modern format has been commenced.		MJS_047	MJS

## A.4 PMSC Section 4 – Specific Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	<p><b>Satisfactory</b> – the MSMS identifies the Harbour Master’s role by name.</p> <p><b>Observation</b> – at the time of audit there was no evidence of an appointment letter for the statutory role of Harbour Master or Deputy Harbour Master for Craignure.</p>	<p><b>Recommendation</b> – consider issuing a letter of appointment for statutory roles, separate to normal Human Resource (HR) letters.</p>	MJS_001	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	<p><b>Not applicable</b> – evidence does not support the powers to make Byelaws at Craignure. These powers are not identified in the 1961 Order. Buessan, Fionnphort and Iona are marine facilities and not subject to powers available to a harbour authority.</p>		MJS_005	MJS
		Date of last byelaw review?	<p><b>Not applicable</b> – no Byelaws are known to be issued.</p>		n/a	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master’s powers of Direction shown in the MSMS, how is delegation identified?	<p><b>Satisfactory</b> – the MSMS, Section 5.1.3.2, deals with the topic of Special Direction as a high level description stating: <i>“Ports will monitor vessel movements to ensure compliance with all relevant bye-laws and General or Special Directions as well as Pilotage Directions and, where applicable, Local Notices to Mariners”.</i></p> <p><b>Observation</b> – the MSMS Annex on Craignure does not provide information on how powers of Special Direction are used for controlling vessel movements.</p>	<p><b>Recommendation</b> – the MSMS Annex on Craignure should be expanded to include a procedure for issuing Special Directions.</p>	MJS_001	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	<p><b>Not applicable</b> – evidence does not support powers of General Direction at Craignure. These powers are not identified in the 1961 Order. Buessan, Fionnphort and Iona are marine facilities and not subject to powers available to a harbour authority.</p>		MJS_005	MJS
		When were General Directions last reviewed?	<p><b>Not applicable</b> – powers of General Direction are not available.</p>		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	<p><b>Not applicable</b> – Harbour Directions have not been applied for.</p>		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	<b>Satisfactory</b> – the Harbour Master has powers at Craignure (but not Bunessan, Fionnphort or Iona) under the Dangerous Vessels Act 1985. This is laid out in the MSMS, Section 10.4.4.  <b>Observation</b> – information relating to the expected action for the Harbour Master in respect of a dangerous vessel should be laid out as a procedure.	<b>Recommendation</b> – the creation of a Standard Operating Procedure based around actions a Pier or Harbour Master should take in respect of a dangerous vessel.	MJS_001	MJS
		Is the role of the SOSREP acknowledged?	<b>Satisfactory</b> – the ‘Secretary of State’ overruling the Harbour Master’s direction is acknowledged in the MSMS, Section 5.1.3.4  <b>Observation</b> – the term SOSREP is not included in the MSMS.	<b>Recommendation</b> – the term SOSREP should be included with an explanation of the role and how this operates in the UK.	MJS_001	MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous goods/substances?	<b>Satisfactory</b> – the declaration of dangerous goods and substances is detailed in the MSMS, Section 5.1.3.6. The Council’s website contains reporting forms for the declaration of dangerous goods.  <b>Observation</b> – the MSMS states that: <i>“Dangerous Substances in Harbour Areas Regulations (DSHAR) 2016”</i> . The current regulations are the ‘The Dangerous Goods in Harbour Areas Regulations 2016 (DG HAR)’.	<b>Recommendation</b> – updating the MSMS to the latest regulation and acronym.	MJS_001 MJS_042 MJS_043	MJS
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	<b>Satisfactory</b> – vessel traffic self-manages within Craignure with the regular ferry service following its passage plan o, and from the pier. As marine facilities, Bunessan, Fionnphort and Iona do not have harbour jurisdictions requiring vessel traffic management.		Observational	MJS
		Is vessel traffic monitoring information passed to the MCA by the quickest means?	<b>Satisfactory</b> – the Council has a CERS login, however there is no evidence of CERS reporting given the traffic type using Craignure, Bunessan, Fionnphort and Iona.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 8.4	Cont. Vessel Traffic Management	Has the need for VTS/LPS been reviewed recently?	<b>Satisfactory</b> – the current method of vessel traffic management has been arranged to meet the demands of harbour use. The formal risk assessment for vessel traffic management is a strategic action in the Marine Safety Plan and is dated for completion by 2023. This strategic action references MGN 401, (MCA, 2022).		Observational	MJS
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	<b>Satisfactory</b> – the MSMS references the Railways and Transportation Safety Act (RATSA) 2003. The MSMS, Section 9.8 also references actions to take if a crime has been committed. The Council also has a Drink and Drugs Policy for its own staff.		MJS_001	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Has the requirement for pilotage been reviewed?	<b>Satisfactory</b> – A&BC’s harbour operation at Craignure does not handle vessels of sufficient size to require a Pilotage Service. None of the risk assessments for the harbour identify the need for a Pilotage Service.		MJS_011 MJS_012	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.12 GtGP 9.4	Pilotage Directions	Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced in the MSMS?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the International Maritime Organisation (IMO) resolution A960?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Are the requirements equivalent to those for an authorised pilot?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	<b>Satisfactory</b> – information for Craignure is included in the Admiralty List of Radio Signals (ALRS), Volume 6.		ALRS, Volume 6	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	<b>Satisfactory</b> – information is published on A&BC website providing contact information and harbour specifics. Iona slipway information links to the CalMac webpage. Bunessan is listed, with limited information shown.  <b>Observation</b> – Fionnphort does not have any information on the A&BC ‘Piers and Harbours’ website.	<b>Recommendation</b> – consider making an entry for Fionnphort on the A&BC ‘Piers and Harbours’ website.	<a href="https://www.argyll-bute.gov.uk/mid-argyll-kintyre-and-islay/craignure-pier">https://www.argyll-bute.gov.uk/mid-argyll-kintyre-and-islay/craignure-pier</a>	MJS
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	<b>Satisfactory</b> – charges (including dues) are laid out on the Council’s website. The process for setting charges uses a benchmarking exercise with other local ports. Charges are increased at the rate of inflation.		<a href="https://www.argyll-bute.gov.uk/fees/22/piers">https://www.argyll-bute.gov.uk/fees/22/piers</a>	MJS
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	<b>Satisfactory</b> – as the Local Lighthouse Authority (LLA) the following Aids to Navigation are maintained at Craignure.  ▪ 2x CAT 2: Fixed Red Lights (vertical) leading lights (240° True).		MJS_001	MJS
4.24	GLA returns	Are returns made to the GLA?	<b>Satisfactory</b> – the LATON three-year return for A&BC identifies the availability return values for the period April 2019 to April 2022 as:  ▪ Cat 2 = 99.84% (target is 99%) ▪ Cat 3 = 100% (target is 97%)  Provision and maintenance of Aids to Navigation is recognised as <b>an area of best practice</b> .		MJS_044	MJS
4.25-4.32	Wrecks, Abandoned or unserviceable vessels	Does the MSMS refer to powers for dealing with wrecks?	<b>Satisfactory</b> – the MSMS addresses wrecks within the Conservancy section. Removal of wreck from Craignure Bay (Oct/Nov 2022) evidenced.  <b>Observation</b> – the MSMS does not contain specific information on dealing with wrecks, derelict or abandoned vessels.	<b>Recommendation</b> – the topic of wrecks, derelict and abandoned vessels is covered by a Harbour Authority procedure.	MJS_001 MJS_029	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	Not applicable – the Organisation is not a Competent Harbour Authority and therefore has no requirement to operate a pilot boat.		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.6 addresses towage.  <b>Observation</b> – the section on towage addresses Campbeltown only. There is no comment on towage (either routine or non-routine) at other A&BC ports, harbours or piers.	<b>Recommendation</b> – drafting of appropriate towage guidelines for all A&BC ports, harbours or piers.	MJS_001	MJS
		Is there a process for approving towage providers?	Not applicable – there are no towage providers in Craignure Harbour.		n/a	MJS
		Are non-routine tows pre-approved / managed by the organisation?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.6 addresses towage.		MJS_001	MJS
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Not applicable – there are no known powers to licence tugs.		n/a	MJS
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.7 addresses commercial diving in the harbour. A 'Permission to Dive Permit' for 17 June 2021 for Iona and 24 May 2022 for Craignure were evidenced.		MJS_001 MJS_034 MJS_035	MJS
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Not applicable – there is no history of recreational diving.		n/a	MJS
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.2 under 'Mooring Operations' states that: "Where appropriate permission to undertake Hot Work is required for any burning, welding, flame cutting, heating by blow torch and brazing, when it is being done outside the engine room of a vessel. All hot work activities carried out by third parties and other contractors in the port is controlled by a "Hot Work Permit". There is no history of using the 'Hot Work Permit' at Craignure, Bunessan, Fionnphort or Iona.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.4 states that: <i>“Bunkering may take place within Harbour areas with approval of the Harbour Master or his/her Assistant and Bunkering Operations will follow an Approved Bunkering Procedure provided by the Bunker Fuel Supplier”</i> . The only bunkering activity undertaken is at Craignure where CalMac vessels are bunkered by tanker on the vessel (using the vessel's own check list and procedures).		MJS_001	MJS
GtGP – 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.5 has a detailed section on the expectations for Boat Licensing.  <b>Observation</b> – there is currently no method of obtaining assurance that craft working commercial (i.e., not Council contracted activities) are operating their vessels in accordance with relevant MCA codes.	<b>Recommendation</b> – the Harbour Authority considers the requirements of the Code and GtGP (Section 11.3, 11.4) with respect to regulating third party commercial workboats and launches within its area of jurisdiction and creates a registration scheme for workboats using the Authority's area.	MJS_001	MJS

## B Quayside Checks

Visual observation of the harbour and marine facilities are Craignure, Bunessan, Fionnphort and Iona were undertaken on Thursday 29 September 2022.

### B.1 Craignure

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	<b>Satisfactory</b> – the Craignure Pier was free from debris and trip hazards. There was good signage for the jetty.		HJA/SRB
		Pedestrian/Disabled access for passengers or leisure users?	<b>Satisfactory</b> – pedestrian walkways were clearly marked.		HJA/SRB
		Is the type and condition of quayside surface appropriate to the operation?	<b>Satisfactory</b> – the pier was in generally good condition and surface is appropriate to its intended use.		HJA/SRB
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	<b>Satisfactory</b> – access and egress ladders were installed at appropriate distances along the pier.		HJA/SRB
		Is there appropriate LSE at quay edge?	<b>Satisfactory</b> – adequate lifesaving equipment (life rings) were installed along the pier.  <b>Observation</b> – some of the ladders do not continue below the waterline. See Image B1.  <b>Observation</b> – some ladders located at the pier end were missing handrails and/or grab loops at deck/cope level. See Image B2.	<b>Recommendation</b> – ladders should be replaced with ones that extend to at least 1 m below the low water mark.  <b>Recommendation</b> – ladders with missing handrails or grab looks should have these fitted to assist ladder users reach the pier deck.	HJA/SRB
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	<b>Satisfactory</b> – in the opinion of the auditor, the mooring bollards appeared to be well maintained and painted yellow. All mooring equipment observed to be in good condition.		HJA/SRB
		Are the bollards numbered and Safe Working Load (SWL) shown?	<b>Satisfactory</b> – the bollards were all marked with SWL.  <b>Observation</b> – there was no (obvious) numbering of the mooring bollards.	<b>Recommendation</b> – bollards should be numbered for ease of identification.	HJA/SRB
		Are additional bollards/rings required?	<b>Satisfactory</b> – in the opinion of the auditor, ample mooring bollards on the pier are provided.		HJA/SRB

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	<b>Satisfactory</b> – fendering on the pier is fixed and observed to be in good condition. Fendering was suitable for the vessels being used.		HJA/SRB
		Is the condition of the fendering in good order?	<b>Satisfactory</b> – pier fendering observed to be in good condition.		HJA/SRB
		Are chaffing plates used?	<b>Satisfactory</b> – chaffing plates and/or wood sections were in use along the pier edge.		HJA/SRB
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	<b>Satisfactory</b> – lighting units were installed around the pier and were considered sufficient for operations (note, the onsite checks were carried out in daylight, lighting at night was not seen).		HJA/SRB
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	<b>Satisfactory</b> – the ferry passengers follow a marked footpath, separate from pier operations.		HJA/SRB
ACOP 82	Signage	Is appropriate signs and markings provided	<b>Satisfactory</b> – signage was evident throughout the pier and entrance to the pier.		HJA/SRB





Image B1. Craignure, ladder does not extend below waterline



Image B2. Craignure, ladder with missing handrails or grab loops

## B.2 Bunessan

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	<b>Observation</b> – housekeeping was considered to be poor. There were disused ropes hanging off the pier and there was a substantial amount of stored and/or abandoned fishing equipment, ropes, pots and other fishing items along the pier. See Image B3.  <b>Observation</b> – obsolete (rusting) metal lifting equipment fixed to the pier presented a trip hazard. See Image B4.	<b>Recommendation</b> – users of the pier and harbour staff should remove unused items, dispose of old fishing gear in a responsible manner and provide housekeeping to ensure the pier can be used free of trip hazards. Any ropes or unwanted fishing gear can become an entrapment hazard for wildlife, pier users and contribute to ghost fishing <sup>1</sup> .  <b>Recommendation</b> – lifting equipment should be removed if no longer in use.	HJA/SRB
		Pedestrian/Disabled access for passengers or leisure users?	<b>Satisfactory</b> – the pier had no clearly marked walkways, but it was considered not required as the pier is not used routinely by members of the public.		HJA/SRB
		Is the type and condition of quayside surface appropriate to the operation?	<b>Satisfactory</b> – the pier had clear access approaching it, the road surface was in reasonable condition but did have isolated potholes.		HJA/SRB
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	<b>Satisfactory</b> – the pier had adequate numbers of ladders and stairs from the pier.  <b>Observation</b> – steps were not accessible due to ropes and other debris impeding access on the pier. See Image B3.  <b>Observation</b> – the handrail located along the pier edge was very loose.  <b>Observation</b> – ropes and tires were tied to ladders impeding use. See Image B5 .	<b>Recommendation</b> – clear pier of debris to allow access to and from ladders and stairs.  <b>Recommendation</b> – the handrail should be re-secured firmly to the pier edge.  <b>Recommendation</b> – clear all ropes and obstructions from ladders.	HJA/SRB
		Is there appropriate LSE at quay edge?	<b>Satisfactory</b> – the pier had adequate numbers of life rings fitted to the handrails.  <b>Observation</b> – one life ring was found to be in a deteriorated state. See Image B6.	<b>Recommendation</b> – inspection and renewal of the life ring and the commencement of a regular inspection regime.	HJA/SRB

<sup>1</sup> Discarded, lost, or abandoned, fishing gear in the marine environment which contributes to boat damage and death of wildlife through entrapment.



Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	<b>Satisfactory</b> – in the opinion of the auditor the bollards and rings appeared to be appropriate to the size of vessels using the pier and in an adequate state of repair.  <b>Observation</b> – the bollards and rings may present a trip hazard.	<b>Recommendation</b> – that bollards and mooring rings, or area around the mooring rings at the pier are painted in a bright colour to aid their identification.	HJA/SRB
		Are the bollards numbered and Safe Working Load (SWL) shown?	<b>Observation</b> – there was no (obvious) SWL for bollards.  <b>Observation</b> – there was no (obvious) numbering of the mooring bollards.	<b>Recommendation</b> – bollards should be marked with their SWL.  <b>Recommendation</b> – bollards should be numbered for ease of identification.	HJA/SRB
		Are additional bollards/rings required?	<b>Satisfactory</b> – in the opinion of the auditor, ample bollards and rings are installed along the pier which are considered to be appropriate for the size of vessel being handled.		HJA/SRB
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	<b>Observation</b> – fendering on the pier edge was observed to be deteriorated and potentially in need of replacement. See Image B7.	<b>Recommendation</b> – review pier edge wooden protection to consider if replacement is required.	HJA/SRB
		Is the condition of the fendering in good order?	<b>Observation</b> – fendering on the pier was considered to be inadequate, vessel owners had provided temporary and makeshift protection.	<b>Recommendation</b> – review the fendering arrangements and consider fitting protective measures, for example, fixed rubber sections.	HJA/SRB
		Are chaffing plates used?	<b>Not Applicable</b> – no chaffing plates seen.		HJA/SRB
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	<b>Satisfactory</b> – light units were installed around the pier and were considered sufficient for operations (note, the onsite checks were carried out in daylight, lighting at night was not seen).		HJA/SRB
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	<b>Satisfactory</b> – the quayside is thought to be used infrequently and by pedestrians only.		HJA/SRB
ACOP 82	Signage	Is appropriate signs and markings provided	<b>Satisfactory</b> – signage was evident along the pier and at the root of the pier.		HJA/SRB



Image B3. Bunessan, trip hazards and obstruction to steps.

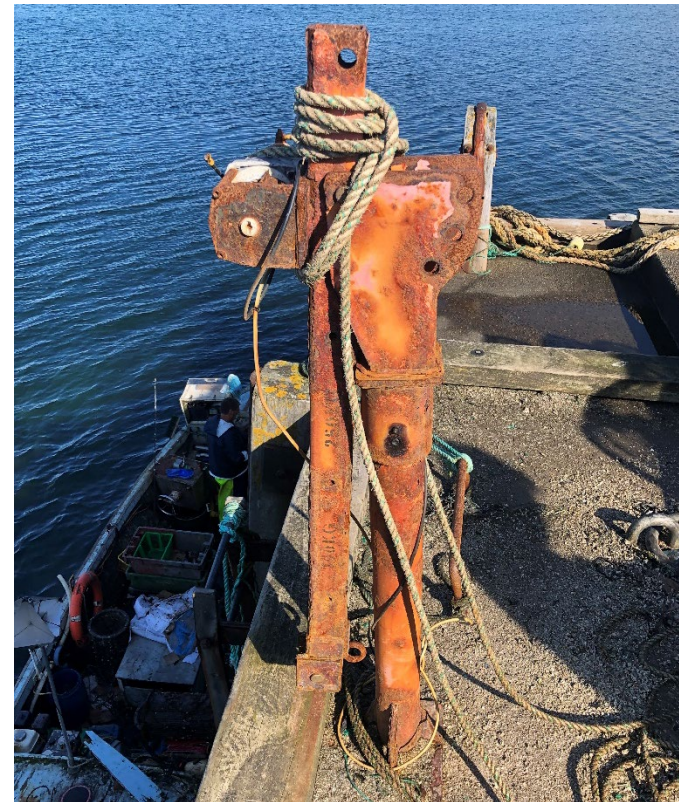


Image B4. Bunessan, obsolete lifting equipment (trip hazard)





Image B5. Bunessan, tires and ropes affixed to ladders



Image B6. Bunessan, life ring





Image B7. Bunessan, wooden fendering in disrepair

### B.3 Fionnphort

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor	
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	<p><b>Satisfactory</b> – the pier and slipway were generally clear of debris and all fishing pots were neatly stacked to the side.</p> <p><b>Observation</b> – fishing pots were neatly stacked blocking access to the pier presenting a trip hazard. See Image B8.</p> <p><b>Observation</b> – the gate to the pier was tied shut, and CalMac ferry employees were witnessed jumping around the gate rather than going through it.</p> <p><b>Observation</b> – there were a couple of raised metal eyelets that presented trip hazards and were not marked with a bright and notable colour.</p>	<p><b>Recommendation</b> – pier should be easily accessible and fishing pots should be moved.</p> <p><b>Recommendation</b> – gate should be locked to prevent public access; however gates should be accessible to pier operatives/ferry staff to allow them access to the restricted area.</p> <p><b>Recommendation</b> – eyelets are either painted or removed if no longer useful.</p>	HJA/SRB	
		Pedestrian/Disabled access for passengers or leisure users?	<p><b>Satisfactory</b> – walkways were clearly marked for pedestrians and cars accessing the ferry via the slipway.</p>			HJA/SRB
		Is the type and condition of quayside surface appropriate to the operation?	<p><b>Satisfactory</b> – the pier and slipway were generally in good condition and free of marine growth. There were a few small potholes.</p>			HJA/SRB
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	<p><b>Satisfactory</b> – there were an adequate number of access and egress ladders installed.</p>		HJA/SRB	
		Is there appropriate LSE at quay edge?	<p><b>Satisfactory</b> – Life saving equipment (life rings) were installed at the appropriate distances along the pier.</p> <p><b>Observation</b> – one life ring was missing its cover. See Image B9</p>	<p><b>Recommendation</b> – life ring cover should be replaced.</p>	HJA/SRB	
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	<p><b>Satisfactory</b> – in the opinion of the auditor the bollards and rings appeared in good condition.</p> <p><b>Observation</b> – the bollards and rings may present a trip hazard and were not marked with a bright and notable colour.</p>	<p><b>Recommendation</b> – bollards on the pier and mooring rings, or area around the mooring rings on the slipway are painted in a bright colour to aid their identification.</p>	HJA/SRB	

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
Cont. SIP 005	Cont. Bollards and securing equipment	Are the bollards numbered and Safe Working Load (SWL) shown?	<b>Observation</b> – there was no (obvious) SWL for bollards.	<b>Recommendation</b> – bollards should be marked with their SWL.	HJA/SRB
		Are additional bollards/rings required?	<b>Observation</b> – there was no (obvious) numbering of the mooring bollards.	<b>Recommendation</b> – bollards should be numbered for ease of identification.	
SIP 005	Fenders	Are additional bollards/rings required?	<b>Satisfactory</b> – in the opinion of the auditor, ample bollards and rings are installed along the pier and slipway which are considered to be appropriate for the size of vessel being handled.		HJA/SRB
		Is the fendering appropriate to the vessel being handled?	<b>Satisfactory</b> – pier fendering is fixed and observed to be in good condition.		HJA/SRB
		Is the condition of the fendering in good order?	<b>Satisfactory</b> – all fitted fendering was observed to be in good condition.		HJA/SRB
		Are chaffing plates used?	<b>Not Applicable</b> – no chaffing plates seen.		HJA/SRB
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	<b>Satisfactory</b> – light units were installed around the pier and were considered sufficient for operations (note, the onsite checks were carried out in daylight, lighting at night was not seen).		HJA/SRB
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	<b>Satisfactory</b> – walkways were clearly marked for pedestrians and cars accessing the ferry via the slipway.		HJA/SRB
ACOP 82	Signage	Is appropriate signs and markings provided	<b>Satisfactory</b> – signage was evident at the throughout pier and slipway.		HJA/SRB





Image B8. Fionnphort, access to pier blocked by fishing pots



Image B9. Fionnphort, life ring missing cover

## B.4 Iona

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	<b>Satisfactory</b> – both slipways had good access and were clear of debris.  <b>Observation</b> – a significant amount of concrete obstructed access for small vessels using the slipway at certain states of tide. This presents a navigational hazard and creates a risk of grounding or contact which may result in vessel hull damage.	<b>Recommendation</b> – concrete obstructions are removed from the seabed to allow increased access by vessels.	HJA/SRB
		Pedestrian/Disabled access for passengers or leisure users?	<b>Satisfactory</b> – walkways were clearly marked for pedestrians and cars accessing the ferry via the ferry slipway. The small vessel slipway was just used by members of the public, so no walkways were marked.		HJA/SRB
		Is the type and condition of quayside surface appropriate to the operation?	<b>Satisfactory</b> – the slipway was generally in good condition and free of marine growth.  <b>Observation</b> – the ferry slipway had some obvious potholes and was considered to be in need of surface maintenance.  <b>Observation</b> – the surface of the bottom of the small vessel slip was poor and uneven. There was also a reasonable sized step, that was not marked. See Image B10.	<b>Recommendation</b> – ferry slipway surface should be reviewed, and repair arranged if trip hazards are identified.  <b>Recommendation</b> – the small vessel slipway surface is repaired, and the step is incorporated into a slope or marked.	HJA/SRB
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	<b>Satisfactory</b> – there was an access ladder fitted on to the ferry slipway.  <b>Observation</b> – a rope is used to help prevent an accidental fall from the top of the ladder. See Image B11	<b>Recommendation</b> – a suitable karabiner and wire (stainless steel) is used to replace the rope, allowing safe access to and from the ladder when required.	HJA/SRB
		Is there appropriate LSE at quay edge?	<b>Satisfactory</b> – Life saving equipment (life rings) were installed at the required intervals.  <b>Observation</b> – there was no lifesaving equipment accessible off the small vessel slip way	<b>Recommendation</b> – move one life ring to the south side of the handrail facing the small vessel slip	HJA/SRB

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	<b>Satisfactory</b> – the mooring rings on the small vessel slip way are in good condition. Mooring rings on the ferry slip were in good condition but rusted.  <b>Observation</b> – there was one bollard on the north edge of the ferry slipway that lacked maintenance.	<b>Recommendation</b> – bollard is either maintained or removed if no longer in use	HJA/SRB
		Are the bollards numbered and Safe Working Load (SWL) shown?	<b>Observation</b> – there was no (obvious) SWL for the bollard.  <b>Observation</b> – there was no (obvious) numbering of the mooring bollard.	<b>Recommendation</b> – bollards should be marked with their SWL.  <b>Recommendation</b> – bollards should be numbered for ease of identification.	HJA/SRB
		Are additional bollards/rings required?	<b>Satisfactory</b> – in the auditor’s opinion, mooring rings on the ferry slip were adequate and suitable for the vessels using them.  <b>Observation</b> – through anecdotal information and observation the mooring rings were judged to be unfit for use due to construction.	<b>Recommendation</b> – repair or replace mooring rings to ensure they are suitable for vessels.	HJA/SRB
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	Not applicable		HJA/SRB
		Is the condition of the fendering in good order?	Not applicable		HJA/SRB
		Are chaffing plates used?	Not applicable		HJA/SRB
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP ‘safety in docs’ and the PFSP?	<b>Satisfactory</b> – light units were installed around the pier and were considered sufficient for operations (note, the onsite checks were carried out in daylight, lighting at night was not seen).		HJA/SRB
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	<b>Satisfactory</b> – walkways were clearly marked for pedestrians and cars accessing the ferry via the slipway.		HJA/SRB
ACOP 82	Signage	Is appropriate signs and markings provided	<b>Satisfactory</b> – signage was evident at all slipways.		HJA/SRB





Image B10. Iona, small vessel slipway step and poor quality surface



Image B11. Iona, access ladder is blocked by rope



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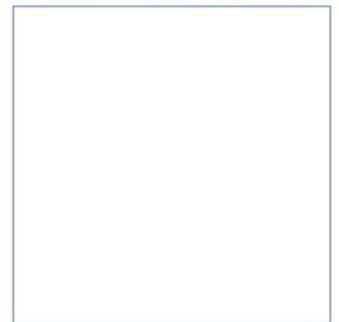
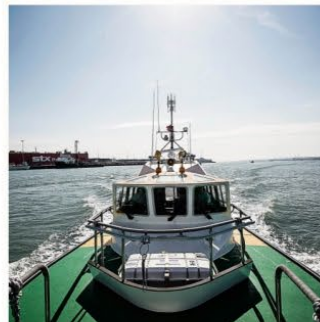
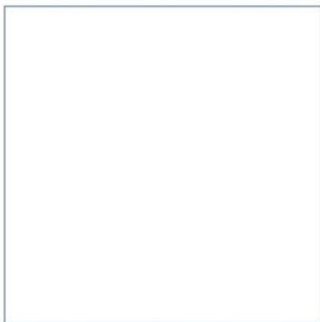
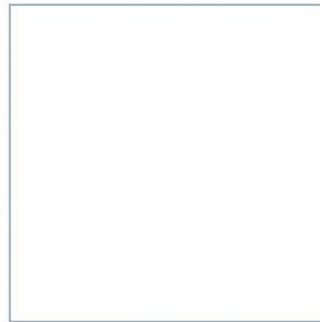
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# Argyll and Bute Council

## Port Marine Safety Code

Audit: Oban (North Pier) 2022

November 2022



Innovative Thinking - Sustainable Solutions

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# Port Marine Safety Code

Audit: Oban (North Pier) 2022




November 2022



Source: <https://www.northpierpontons.com>

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# 1 The Port Marine Safety Code

The Port Marine Safety Code ('the Code') sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses, or works in, the UK port marine environment. It is authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT, 2016).

In reading this audit report, the Council and Duty Holder should note the following extract from the Code:

*"The Code does not contain any new legal obligations but includes (amongst other things) references to the main legal duties which already exist. Failure to comply is not an offence in itself. However, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties. Moreover, the organisation may suffer reputational damage if it has publicly committed to the Code's standards and then fails to meet them."*

(DfT, 2016)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
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.	1.6-1.8, 1.10, 1.16-1.17
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.	1.11-1.12
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.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
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.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
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 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24



## 1.1 About the Harbour Authority

Oban is located in the Argyll and Bute Council area of west Scotland. Oban Bay itself is a near perfect horseshoe shape, protected by the island of Kerrera to the west; and beyond Kerrera, the Isle of Mull. Vessel access to the bay is via the North Channel from the Firth of Lorn or the longer passage along the Sound of Kerrera from the south. Oban is an important ferry hub known as the 'Gateway to the Isles' with 13,700 vessel movements recorded in 2019. Oban acts as the central point for west coast Roll-on, Roll-off (RoRo) lifeline ferry services with scheduled sailings to the Islands of Lismore, Colonsay, Coll, Tiree, Port Askaig (Islay), Craignure (Mull), Castlebay (Barra) and Lochboisdale on South Uist.

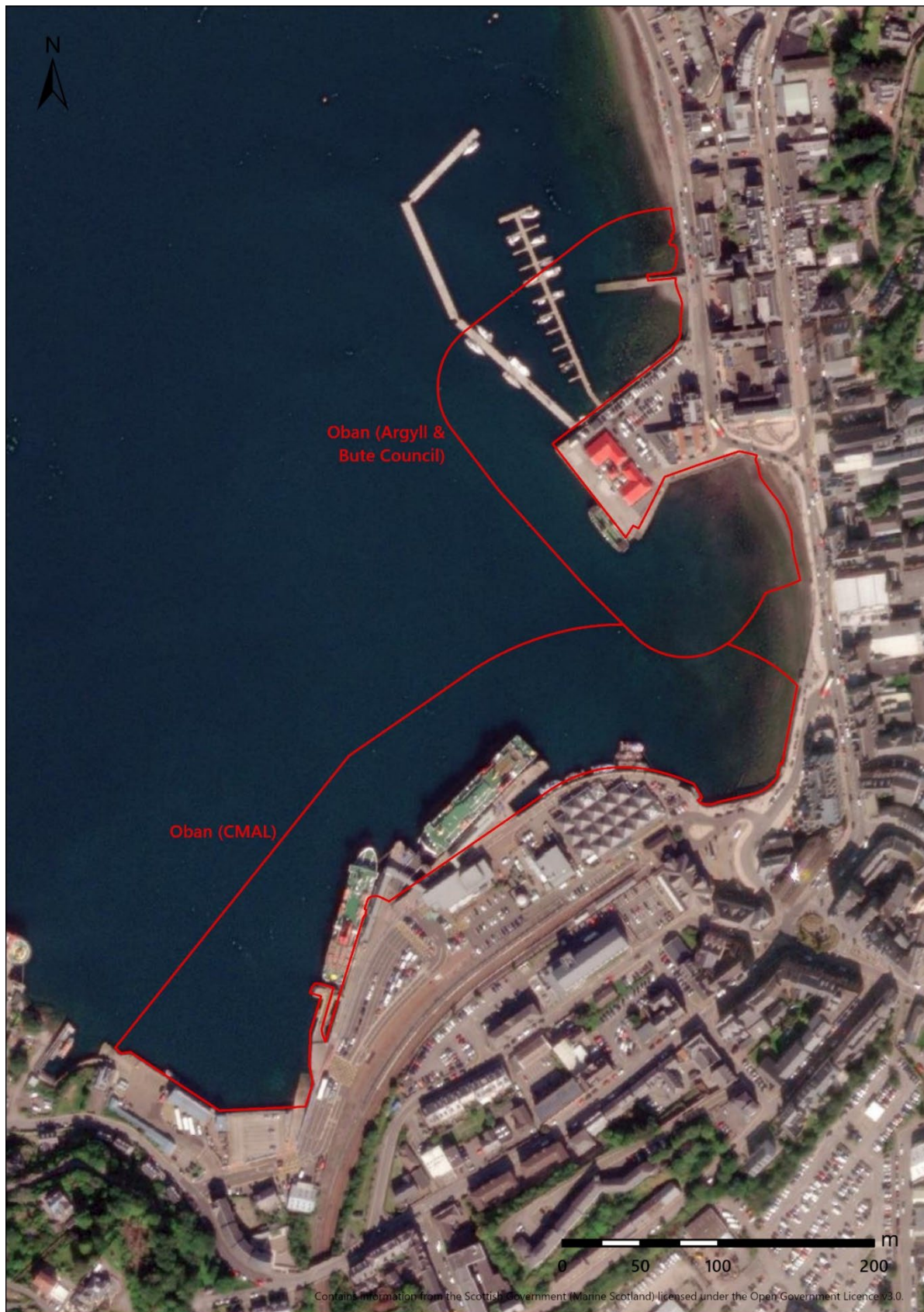
Argyll and Bute Council (A&BC) is the Statutory Harbour Authority (SHA) for Oban North Pier with an area defined in Section 22 of the 'Pier and Harbour Orders Confirmation (No.5) Act 1896, Schedule 2, Oban Improvement and Maintenance of Piers'. The Council also has a smaller statutory area at Oban South Pier as laid out in Section 18 from Schedule 2 of the 1896 Act. The pier areas form part of A&BC's Municipal Harbour Authority, being owned and operate by the Council. Within its SHA areas A&BC is also the Local Lighthouse Authority (LLA) with respect to aids to navigation by virtue of Section 193 of the Merchant Shipping Act 1995. A&BC is not a Competent Harbour Authority with regard to Pilotage.

The harbour limits as recorded by Marine Scotland's database are shown in Figure 1, it should be noted that the limits shown do not match the limits described in the 1896 Act. Statutory harbour limits within Oban Bay are complex and subject to ongoing review, Figure 1 has been included in this audit report to demonstrate approximate boundaries for the Harbour Authority around Oban North Pier and the adjacent SHA at the Railway Pier. The Railway Pier SHA is owned by Caledonian Maritime Assets Limited (CMAL) as harbour authority and operated under contract by CalMac Ferries Limited (CFL).

A&BC marine operation at the North Pier includes a number of specific facilities. These include the Oban Times Slip, which is accessed from Corran Esplanade (A85) and is routinely used by wildlife tour boat operators. Immediately to the north of the Pier is the North Pier Pontoons which provide a marina facility for transit yachts staying up to three nights. The pontoons provide 39 finger berths and berthing along its outer breakwater for vessel of 20 m or larger in length and up to 127 Gross Tonnage (GT). The pontoons are also used by tenders from Cruise vessels on scheduled visits. The North Pier provides 75 m of solid berthing face, typical used by large charter vessels, aquaculture vessels, bulk cargo (forest products, road salt, local industrial goods) and layby berthing for CFL vessels. The Pier has a slipway on its south side which is used by the cross bay ferry to Kerrera Marina and for wildlife tour operators. Kayaks and beach launched craft operate from the slipways along the Harbour Promenade which are within the Oban North Pier SHA, the slipways in this section are owned by A&BC but are not managed or maintained by the harbours team.

The South Pier is owned by CMAL and operated by CFL. South Pier is used for fishing vessel landings with an ice plant and shoreside storage. Berthing at the South Pier is controlled by CFL with the pier landside operations managed by Oban Port Users Limited. Adjacent to the western end of the South Pier is the Oban Royal National Lifeboat Institute (RNLI) lifeboat station.

A&BC also own the slipway at Port Beag which is located immediately to the west of the RNLI station. The slipway is operated and maintained by the Council and includes the small parking area adjacent to Gallanach Road. The slipway is used by small day boats and trailer launched vessels. Immediately to the west of Port Beag is the Northern Lighthouse Board (NLB) depot which is located outside of both the A&BC and CMAL SHAs.



Source: Esri, DigitalGlobe, GeoEye. Contains information from the Scottish Government (Marine Scotland) licensed under the Open Government Licence v3.0

Figure 1. Oban Harbour Limits (Illustrate only - Marine Scotland data layer)

## 2 Purpose and Method

### 2.1 Audit scope

Argyll and Bute Council (A&BC) has contracted ABPmer to provide Designated Person services for its ports, harbours and piers. Part of this service includes the provision of annual auditing to establish if the Harbour Authority is compliant with the requirements of the Port Marine Safety Code (PMSC). The scope of the audit includes a review of Harbour Authority performance against the standard laid out within the latest edition of the Code. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

### 2.2 Audit definitions and outcomes

The following definitions are used in the audit report:

**Non-compliance:** is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The Port Marine Safety Code requires organisations to confirm compliance with the requirements of the Code. Therefore, Port Marine Safety Code audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

**Non-conformity:** is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the port or harbour's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

**Evidence:** Non-compliances and Non-conformities are identified through factual evidence sampled during the audit.

#### 2.2.1 Outcomes

The audit report uses the following outcomes:



**Non-Compliance:** a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



**Observation:** refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with local operating instructions. Whilst observations are defined as improvement opportunities, addressing them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



**Satisfactory:** a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

**Not applicable:** part of the Code that is not relevant to the Organisation being audited.

## 2.3 Audit date and criteria

The audit was carried out onsite at Oban North Pier on 06 September 2022. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), has been used as the benchmarking standard within Appendix A. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

In addition, within Appendix B the Health and Safety Executive (HSE) publication L148 'Safety in Docks: Approved Code of Practice and Guidance' (ACOP) (HSE, 2014) and the Port Skills and Safety (PSS) publications SIP 005 'Guidance on Mooring' (PSS, 2020) and SIP 014 'Guidance on Safe Access and Egress' (PSS, 2019) have been used. The appendix tables to this report contain the test questions and evidence, noting down conformity, non-conformity and observational remarks.

## 2.4 Auditor

The following auditor conducted this audit.

Team Member	Initials	Company, Designation
Monty Smedley	MJS	ABPmer, Principal Maritime Consultant Lead Auditor for Quality Management Systems (QMS ISO 9001) Designed Person (PMSC) Argyll and Bute Council




## 2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Allan Finlay	AF	Piers and Harbours – Technical Officer
Julie Hendry	JH	Marine Operations – Admin Officer
Scott Reid	SR	Marine Operations Manager
Vicki McKenzie	VM	Oban North Pier – Harbour Master



### 3 Audit Summary

Number	Key Measures Ten-Point 'Health Check'			
1	Duty Holder	0	2	5
2	Designated Person	0	1	2
3	Legislation	1	3	4
4	Duties and Powers	0	14	36
5	Risk Assessment	1	2	4
6	MSMS	0	6	10
7	Review and Audit	0	0	4
8	Competence	0	7	3
9	Plan	1	0	2
10	Aids to Navigation	0	0	2
<b>Total</b>		<b>3</b>	<b>35</b>	<b>72</b>

The summary presented in the above table identifies that, for the ten-point health-check, Argyll and Bute Council as the Statutory Harbour Authority for Oban North Pier is found **not to be fully compliant** with the requirements of the Port Marine Safety Code.

The following three non-compliances were recorded:

- The MSMS does not list relevant Acts or Orders for Oban North Pier, nor are the harbour limits mapped following descriptions in Section 22 and 18 of the 1896 Act.
- The MSMS does not state the expected review frequency for marine risk assessments. The MSMS does state in its Annexes for each port that: "The Harbour staff will record all incidents/accidents/near misses on the Safety Management System (MarNIS). The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence". It can be concluded that marine risk assessments are reviewed after incidents occur, however the MSMS does not state that the risk assessments are updated or re-issued. The MarNIS system provides notification of assessments which are about to expire, based on a one-year review frequency. Users may set their own review frequency.
- The 'Marine Safety Plan' for the years 2018 to 2020 (the previous plan) has not been assessed and the Organisation's performance against the plan published.

The PMSC audit identified 35 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. The following points identify the more significant items:

- The Marine/Navigational Risk Assessment review process which includes consultation with the Oban Bay User Group is not documented in the risk assessments. Participants in the review (for example the Oban Bay User Group) should be included in the risk assessment attendees and notes sections.
- Whilst Oban North Pier harbour office has a flow process for Dynamic Risk Assessment (DRA), the MSMS does not address the expectations of the Harbour Authority in respect to DRA.

- The training matrix does not include the roles of the Duty Holder, the Marine Operations Manager, Technical Officers, Senior Pier Operatives and the Marine Operations Admin Officer. The training record files does hold a 'HQ and Others' worksheet.
- The MSMS, Section 6.3 states that: "The ARGYLL & BUTE HARBOUR BOARD will maintain a training matrix for all staff and the respective line managers are responsible for keeping it up-to-date". The training matrix is maintained by the Marine Operations Admin Officer (which is a centralised function), with notification of training completed provided by Harbour Masters. The MSMS should be updated to reflect the process used.
- It is not clear if the training 'policy' within the MSMS has been approved by the Harbour Board and Duty Holder, nor is it clear at what frequency this policy is reviewed.
- The MSMS provides outline requirements for enforcement and prosecution where a harbour direction or byelaw has been broken. There are no specific processes in place for Oban with respect to enforcement.
- The environmental policy lacks detail on how the obligations of the Harbour Authority under national legislation is delivered.
- Annual exercises of both the Oil Pollution Response Plan and the Emergency Plan at Oban would be beneficial to schedule.
- At the time of audit there was no evidence of an appointment letter for the statutory role of Harbour Master or Deputy Harbour Master made by the Harbour Authority under relevant local Acts and Orders.
- The MSMS Annex on Oban does not provide information on how powers of Special Direction are used for controlling vessel movements.
- Tour boats and workboats routinely used the harbour. There is currently no method of obtaining assurance that craft working commercial are operating their vessels in accordance with relevant MCA codes.

Marine operations and quayside checks were also carried out, 2 observations were identified, the detailed findings being presented in Appendix B.

- There was no provision of a life ring or other lifesaving equipment at the Oban Times Slip.
- Mooring rings on the Oban Times Slip may present a trip hazard.
- The North Pier mooring bollards did not have their Safety Working Load (SWL) identified.
- Signage at the North Pier to warn the public of the working area of the quayside edge was not evident.

The following points of best practice were noted:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.8% for Category 2 Aids.
- At the time of audit, all seven Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended Duty Holder Training. The Marine Safety Plan has an objective of 100% attendance for Duty Holder training.

## 4 References

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<https://www.argyll-bute.gov.uk/news/2022/jul/public-consultation-municipal-harbour-authority-oban>

[https://www.argyll-bute.gov.uk/sites/default/files/dp\\_contact\\_information\\_abc.pdf](https://www.argyll-bute.gov.uk/sites/default/files/dp_contact_information_abc.pdf)

<https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list>

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## 5 Abbreviations/Acronyms

A&BC	Argyll and Bute Council
ACOP	Approved Code of Practice and Guidance
ALRS	Admiralty List of Radio Signals
AtoN	Aid(s) to Navigation
BPA	British Ports Association
CARP	Critical Activity Recover Plan
CAT	Category
CERS	Consolidated European Reporting System
CFL	CalMac Ferries Limited
CHA	Competent Harbour Authority
CMAL	Caledonian Maritime Assets Limited
DfT	Department for Transport
DGHAR	Dangerous Goods in Harbour Areas Regulations 2016
DRA	Dynamic Risk Assessment
DSHAR	Dangerous Substances in Harbour Areas Regulations 2016
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GT	Gross Tonnage
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act 1847
HQ	Head Quarters
HR	Human Resources
HRO	Harbour Revision Order
HSE	Health and Safety Executive
IMO	International Maritime Organization
ISO	International Organization for Standardization
ISPS	International Ship and Port Facility
KPI	Key Performance Indicator
LATON	Local Aids to Navigation
LLA	Local Lighthouse Authority
LPS	Local Port Service
LSE	Lifesaving Equipment
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MarNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MS	Microsoft
MSMS	Marine Safety Management System
n/a	Not Applicable
NLB	Northern Lighthouse Board
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
PEC	Pilotage Exemption Certificates
PFSP	Port Facility Security Plan
PMSC	Port Marine Safety Code
PSS	Port Skills and Safety
QMS	Quality Management System
RATSA	Railways and Transportation Safety Act



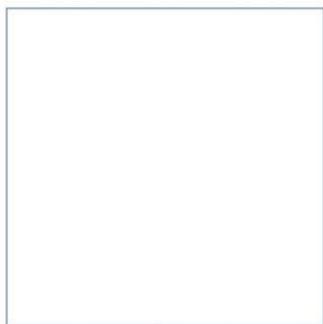
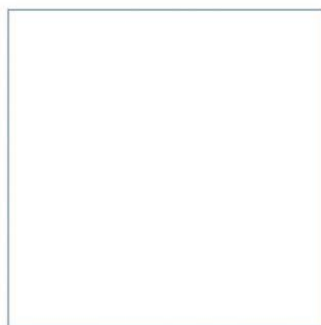
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RNLI	Royal National Lifeboat Institute
RoRo	Roll-on, Roll-off
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency
SHA	Statutory Harbour Authority
SIP	Safety in Port
SOPs	Standard Operating Procedures
SOSREP	Secretary of State's Representative
SPA	Special Protection Areas
SWL	Safe Working Load
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency
VTS	Vessel Traffic Service

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

# Appendices



Innovative Thinking - Sustainable Solutions

# A Detailed Audit Findings

## A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation’s Duty of Care for users of the harbour, port of facility stated?	<b>Satisfactory</b> – A&BC’s Marine Safety Management System (MSMS), version 11, issued in May 2020, states in Section 10 under the heading Conservancy that: <i>“There is a duty to conserve a harbour so that it is reasonably fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for vessels to use”.</i>		MJS_001	MJS
		Are local Acts and Orders identified?	<b>Satisfactory</b> – the harbour authority has a copy of its local legislation in the form of the ‘Oban Piers Order 1896. The following local legislation is in place and cited as the ‘Oban Piers and Harbour Orders 1862 to 1896: <ul style="list-style-type: none"> <li>▪ Pier and Harbour Orders Confirmation Act 1862, Oban Harbour Order.</li> <li>▪ The Oban Pier and Harbour Order 1864.</li> <li>▪ Pier and harbour Orders Confirmation (No.5) Act, 1896, Schedule 2, Oban Improvement and Maintenance of Piers.</li> </ul>		MJS_004 MJS_005	MJS
		Is the Harbour, Docks and Piers Clauses Act (HDPCA) 1847 incorporated into local Acts and Orders?	<b>Satisfactory</b> – the HDPCA has been incorporated, as referenced in the Section 47 of the 1896 Act (which excludes Section 16 to 19 of the HDPCA from inclusion).		MJS_003 MJS_005	MJS
1.6 – 1.7	The Duty Holder	Has the organisation appointed and confirmed who the Duty Holder is?	<b>Satisfactory</b> – A&BC has assigned the post and accountability of the Duty Holder to the Council’s Executive Director of Development and Infrastructure Services. The Harbour Board retains responsibility for providing policy direction to the officers of the Authority. An organisational structure is provided the MSMS, Section 2.1.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	<p><b>Satisfactory</b> – the MSMS, Section 2.2 lists the duties of the Duty Holder.</p> <p><b>Observation</b> – the role laid out in the MSMS for the Duty Holder does not include all the bullet point requirements listed in the Code (DfT, 2016).</p>	<p><b>Recommend</b> – to ensure a match between the role, as laid out in the Code, and the role defined in the MSMS, it is recommended that Section 2.2. is reviewed.</p>	MJS_001	MJS
1.10	The Duty Holder	Does the Duty Holder (and Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	<p><b>Satisfactory</b> – the Harbour Board and Duty Holder receive information from officers of the Authority, presented as technical reports to Board Meetings. Annually the Harbour Board and Duty Holder visit one of the Councils ports, harbours or piers. The last Oban visit was on 24 September 2021. The Harbour Board were also invited to the Campbeltown Emergency Response Exercise in November 2021. The MSMS is provided on the Council's website making it a simple process to view the most recent version.</p>		MJS_001	MJS
		Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	<p><b>Satisfactory</b> – all the current (seven) Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended training run on 05 September 2022. The Marine Safety Plan has an objective of 100% attendance on the Duty Holder training course by the completion date of the plan. <b>This is an area of best practice.</b> It should be noted that at the time of audit, a bye-election was planned and following its completion the Harbour Board will increase to eight.</p>		MJS_002 MJS_006	MJS
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	<p><b>Satisfactory</b> – the Duty Holder has appointed ABPmer to provide Designated Person services, with Monty Smedley as the named Designated Person. This contract commenced on 01 November 2021. The Designated Person's contact details were posted on the Dunoon staff mess-room notice board.</p>		<a href="https://www.argyll-bute.gov.uk/site/default/files/dp_contact_information_abc.pdf">https://www.argyll-bute.gov.uk/site/default/files/dp_contact_information_abc.pdf</a>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.11-1.12	Cont. The Designated Person	Is the Designated Person's role explained in the MSMS?	<b>Satisfactory</b> – the MSMS, Section 2.5 lists the duties of the Designated Person.  <b>Observation</b> – the appointment information in Section 2.5 of the MSMS is not accurate.	<b>Recommendation</b> – the Designated Person's details in the MSMS are updated.	MJS_001	MJS
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	<b>Satisfactory</b> – the MSMS, Section 2.2 lists the responsibilities of the Duty Holder, who is also the Chief Executive.  <b>Observation</b> – the MSMS, Section 2.2 does not address the financial and resource role that typically, a Chief Executive would be responsible for providing in respect of a Harbour Authority function.	<b>Recommendation</b> – the role profile in the MSMS is reviewed and wording around 'adequate resources' is included.	MJS_001	MJS
		How is marine safety funded within the organisation?	<b>Satisfactory</b> – funding is identified and agreed through the Council's approvals process. Officers of the Authority have delegated spending powers within their spending limits. All significant funding decision outside of spending limits come to the Harbour Board, officers of the Authority provide technical input to Harbour Board decisions.		n/a	MJS
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	<b>Satisfactory</b> – the MSMS, Section 2.5 states that: <i>"Harbour Masters and their Assistants will support the Marine Operations Manager to develop the team's service plans by working in partnership with colleagues (within and out with the service) and by taking personal responsibility for planning how these are delivered effectively and efficiently"</i> . Section 2.5 lists specific duties.		MJS_001	MJS
		Does an officer with responsibilities for marine safety attend Board meetings?	<b>Satisfactory</b> – three times a year, a report is provided by the Executive Director for Roads and Infrastructure; major issues are raised to the Harbour Board. Evidence from the Harbour Board meeting of 01 September 2022 identifies reports including the Marine Asset Management Plan Update, Port Marine Safety Code Update, Oban Bay Update and Draft Harbour Board Workplan.		MJS_006 MJS_007  <a href="https://www.argyll-bute.gov.uk/moderngov/ieListMeetings.aspx?CategoryId=567&amp;Year=0">https://www.argyll-bute.gov.uk/moderngov/ieListMeetings.aspx?CategoryId=567&amp;Year=0</a>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	<p><b>Satisfactory</b> – the MSMS, Section 2.3 lists the responsibilities of the Organisation's Officers (including the Head of Roads and Amenity Services and the Marine Operations Manager). Section 2.4 has a sub-heading for Assistant Harbour Masters.</p> <p><b>Observation</b> – the role of the Technical Officer(s) for Piers and Harbours could be usefully included within the MSMS.</p>	<p><b>Recommendation</b> – include the role of the Technical Officer(s) for Piers and Harbours.</p>	MJS_001	MJS

## A.2 PMSC Section 2 – Key Measures Needed to Secure Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> <li>MAIB digest / reports</li> <li>MCA health check trends</li> </ul>	<b>Satisfactory</b> – the MCA Health Checks trends was included in the Designated Person’s briefing note which was tabled at the 02 September 2021 Harbour Board meeting. Information from the MAIB and the BPA in the former of safety circulars are distributed by the Marine Operations Admin Officer. Evidence sighted.		MJS_009 MJS_010	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	<b>Satisfactory</b> – the Harbour Authority has a list of local Acts and Orders for Oban, plus a map with the extent of the harbour limits shown.		MJS_003 MJS_005	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	<b>Non-compliance</b> – the MSMS does not list relevant Acts or Orders for Oban, nor are the harbour limits shown.	<b>Recommendation</b> – the MSMS must contain information on the local legislation for Oban and expand upon the powers, duties and responsibilities provided by the local Acts and Orders.	MJS_001	MJS
		Have the Harbour Authority’s existing powers been reviewed?	<b>Satisfactory</b> – the harbour acts have been reviewed by A&BC lawyers with an external review conducted by marine lawyers. Recommendations for update have been presented to the Council and a Harbour Revision Order (HRO) process initiated. Evidence provided.		MJS_047	MJS
		Is the organisation’s jurisdiction mapped and clear?	<b>Satisfactory</b> – the Harbour Authority has a list of local Acts and Orders for Oban, plus a map with the extent of the harbour limits shown.  <b>Observation</b> – whilst some chart products show the harbour limits, others (the Admiralty Chart, 1790 ‘Oban and Approaches’) does not map the area. The Marine Scotland layer used for marine planning incorrectly identifies the A&BC SHAs.  <b>Observation</b> – the MSMS, Section D ‘Oban North Pier and Pontoons’ describes the limits: <i>“The Harbour boundary is defined by the area east of a line joining Dog Stone to the North and Brandy Stone to the South”.</i>	<b>Recommendation</b> – providing the boundaries to the UK Hydrographic Office including descriptions from the 1896 Act, Sections 22 and 18 requesting update of the harbour limits.  <b>Recommendation</b> – the description for A&BC’s SHA areas in Oban Bay is updated in the MSMS to match the areas described in Section 22 and 18 of the 1896 harbour act.	MJS_003 MJS_005	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Have risks associated with marine operations been assessed and a means of controlling them deployed?	<b>Satisfactory</b> – the MSMS, Section 8 describes the assessment methodology. A set of 18 risk assessments are in place for the harbour, all assessments were in-date at the time of audit. Review dates were completed in January and February 2022. The hazard scenarios cover a range of foreseeable eventualities based on current harbour activities.		MJS_001 MJS_011 MJS_012	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	<b>Satisfactory</b> – the Harbour Master has undertaken a training course for marine risk completed on 02 March 2021. Certificate sighted.		MJS_013	MJS
		Are stakeholders included in marine risk review/assessments?	<b>Satisfactory</b> – risk assessments are conducted with the Assistant Harbour Master.  <b>Observation</b> – the review process which includes consultation with the Oban Bay User Group is not documented in the risk assessments.	<b>Recommendation</b> – the experience and knowledge of harbour users is sought and their engagement documented in the risk assessments. Participants in the review (for example the Oban Bay User Group) should be included in the risk assessment attendees and notes sections.	MJS_011 MJS_012	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	<b>Non-compliance</b> – the MSMS does not state the expected review frequency for marine risk assessments. The MSMS does state in its Annexes for each port that: <i>“The Harbour staff will record all incidents/accidents/near misses on the Safety Management System (MarNIS). The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence”</i> . It can be concluded that marine risk assessments are therefore reviewed after incidents occur, however it does not state that the risk assessment is updated or re-issued, nor is any review frequency given. The MarNIS system provides notification of assessments which are about to expire, based on a standard one-year review frequency. Users may set their own review frequency.	<b>Recommendation</b> – the Harbour Authority requirement for frequency of risk assessment review is positively stated in the MSMS for the avoidance of doubt, for example: Marine Risk Assessment must be reviewed annually and following an accident or incident that changes the specifics of an existing risk assessment.	MJS_001	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of Formal Risk Assessment (FRA)	Is a system of Dynamic Risk Assessment (DRA) used?	<b>Satisfactory</b> – a DRA flow diagram has been prepared and distributed to harbour staff at Oban, a copy was posted on the notice board.  <b>Observation</b> – the MSMS does not addresses the expectations of the Harbour Authority in respect to DRA.	<b>Recommendation</b> – the approach to Dynamic Risk Assessment is defined for harbour staff.	MJS_048	MJS
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	<b>Satisfactory</b> – A&BC’s Marine Safety Management System (MSMS) is issued as version 11, dated May 2020. A revision history is included with notes defining changes made over time. The MSMS is presented as a manual and supporting Annexes for individual ports, harbours and piers.  <b>Observation</b> – the distribution list contains names of post holders which is out of date.  <b>Observation</b> – the MSMS contains various sections of national guidance, some of which is generic in nature and not tailored to A&BC’s specific circumstances.	<b>Recommendation</b> – the distribution list should be reviewed with posts and roles updated as required.  <b>Recommendation</b> – the MSMS should be fully reviewed to remove extraneous information and provide tailored procedures to each port, harbour and pier.	MJS_001	MJS
2.15	Key Performance Indicators (KPIs)	Does the harbour authority detail KPIs and/or make a statement about performance in the organisation’s annual report?	<b>Satisfactory</b> – A&BC’s key performance indicators for ports and harbours are identified in the ‘Marine Safety Plan’ as specific outcomes.  <b>Observation</b> – the MSMS does not address port and harbour KPIs.	<b>Recommendation</b> – a section on KPIs should be included within the MSMS, with reference to the expectations of internal business processes and the ‘Marine Safety Plan’.	MJS_001 MJS_002	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	<b>Satisfactory</b> – the MSMS, Section 2 ‘Key Personnel and Responsibilities’ assigns responsibility for safety and conservancy to key post holders in the Harbour Authority.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.17	MSMS Consultation	Are forum/consultation meetings held?	<b>Satisfactory</b> – the MSMS Section 4 addresses ‘Consultation’, with sections on consultation policy, statutory consultation and consultation with interested parties. At Oban the key stakeholder group is the ‘Oban Bay Management Group’, which includes all SHAs and marine facility operators, plus the Chair of the Oban Stakeholder Group and the Chair of the Oban Community Harbour Development Association. Evidence of meeting and minutes are held online.		<a href="https://www.obanharbour.scot/information/oban-bay-management-group/managmentgroupnotes">https://www.obanharbour.scot/information/oban-bay-management-group/managmentgroupnotes</a>	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p><b>Satisfactory</b> – two MS Excel files are maintained, the first is titled ‘Harbour Training Matrix 2021’ the second is titled ‘training records’. The training matrix identifies the Essential, Required, Advantageous and Not Required training. The training records identifies staff by location with dates against qualifications held.</p> <p><b>Observation</b> – the matrix does not include the roles of the Duty Holder, the Marine Operations Manager, Technical Officers, Senior Pier Operatives and the Marine Operations Admin Officer. The training record files does hold a ‘HQ and Others’ worksheet.</p> <p><b>Observation</b> – it is not clear what the terms ‘Essential’ and ‘Required’ mean on the matrix.</p> <p><b>Observation</b> – the training matrix identifies roles and named individuals.</p> <p><b>Observation</b> – the MSMS, Section 6.3 states that: “<i>The ARGYLL &amp; BUTE HARBOUR BOARD will maintain a training matrix for all staff and the respective line managers are responsible for keeping it up-to-date</i>”. The training matrix is maintained by the Marine Operations Admin Officer, with notification of training completed provided by Harbour Masters.</p>	<p><b>Recommendation</b> – that all roles are identified in the matrix to ensure it documents all job roles with a remit for delivering marine safety functions for the Harbour Authority.</p> <p><b>Recommendation</b> – provide definitions for the terms used on the matrix for the avoidance of doubt.</p> <p><b>Recommendation</b> – consider removing individual’s names from the training matrix.</p> <p><b>Recommendation</b> – review the wording and process in the MSMS Section 6.3 to ensure it operates as required.</p>	MJS_001 MJS_014 MJS_015	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont.  2.18	Cont.  Competence standards	Is there a policy on revalidation or maintenance of qualifications in place?	<p><b>Satisfactory</b> – the MSMS, Section 6.1 is titled 'Argyll and Bute Council Training Policy'. The bullet pointed items in the training policy are considered to be comprehensive.</p> <p><b>Observation</b> – it is not clear if the 'policy' within the MSMS has been approved by the Harbour Board and Duty Holder, nor is it clear at what frequency this policy is reviewed.</p>	<p><b>Recommendation</b> – the policy is separated from the body of the MSMS manual and presented as part of a policy pack.</p>	MJS_001	MJS
			<p><b>Satisfactory</b> – the Marine Operations Admin Officer maintains a central record of training. Individual staff are identified with dates of training and certification held in day/month/year format. Harbour Master keeps a local record of all staff training.</p> <p><b>Observation</b> – where training has been undertaken by the Council, the Marine Operations Admin Officer maintains course certification. Where qualifications were already held by the individual or completed locally, the Harbour Master holds the certification.</p> <p><b>Observation</b> – the training records do not clearly record, date taken and expiry date for qualifications</p>	<p><b>Recommendation</b> – that the Council considers carrying out an audit of certification required to be held by staff and updates its central records accordingly.</p> <p><b>Recommendation</b> – adding date taken and expiry date (named columns) to training records.</p>	MJS_001 MJS_014 MJS_015	MJS
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> <li>▪ reporting</li> <li>▪ recording of incidents</li> <li>▪ investigation</li> <li>▪ enforcement (if relevant).</li> </ul>	<p><b>Satisfactory</b> – the MSMS Section 3.6 details the process to follow should an incident occur, this addresses reporting. The MSMS Section 9.2, 9.3, 9.6 and 9.7 details incident procedures and investigation. Incident records from Dunoon identify the following (noting that the 2017 and 2018 records are recorded in MarNIS). The database records 18 accident/incident records since 2017. During 2022 (January to August) there have been three incidents. Records evidenced.</p>		MJS_016 MJS_017 MJS_018	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.19 – 2.22	Cont. Incident reporting and investigation	Cont. Does the MSMS identify the organisation’s instruction regarding: <ul style="list-style-type: none"> <li>▪ reporting</li> <li>▪ recording of incidents</li> <li>▪ investigation</li> <li>▪ enforcement (if relevant).</li> </ul>	<b>Observation</b> – at least four incident records are open (i.e., not set to actioned-closed) in MARNIS from years between 2017 to 2020.	<b>Recommendation</b> – reviewing incident records not shown as closed and actioned from previous years. Incident investigations should be set to ‘actioned-closed’ once all investigations are complete and actions assigned.	MJS_016 MJS_017 MJS_018	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	<b>Satisfactory</b> – the MSMS Section 9.8 details actions to be taken in the event of death or crime. Anecdotal information from Oban identified that local police liaison is good with the Harbour Master and team in contact with local police resources.		MJS_001 MJS_018  Anecdotal	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	<b>Satisfactory</b> – incident reports are distributed to the Scottish Environment Protection Agency (SEPA) and the Maritime and Coastguard Agency (MCA) as required. Evidence of the Oil Pollution spill into Black Lynn Burn from a damaged storage drum, reported to SEPA, April 2021.		<a href="https://www.obantimes.co.uk/2021/04/14/investigations-continue-after-second-oban-oil-spill">https://www.obantimes.co.uk/2021/04/14/investigations-continue-after-second-oban-oil-spill</a>	MJS
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	<b>Satisfactory</b> – the MSMS Section 9.10 details statutory reporting requirements, including the Marine Guidance Note (MGN) 564 ‘Incident reporting and investigation’. There have been no MAIB reportable incidents within A&BC’s SHA since MarNIS records commenced in 2017.		MJS_001 MJS_017	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	<b>Satisfactory</b> – the last external audit of the MSMS was conducted in October 2018 at: Campbeltown, Oban, Port Beag, Cuan Ferry Slip and Easdale Ferry. The last internal audit was carried out at Oban in August 2022. The Internal Audit was a comprehensive check against the Guide to Good Practice (DfT, 2018), and is <b>considered as an example of good practice.</b>		MJS_019 MJS_020 MJS_021 MJS_022	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	<p><b>Satisfactory</b> – the MSMS Section 9.12 provides the enforcement procedure.</p> <p><b>Observation</b> – text within the MSMS provides outline requirements. There are no specific processes in place for Oban with respect to enforcement or prosecution. This links to topics of duties and powers, local legislation and byelaws.</p>	<p><b>Recommendation</b> – the development of Oban specific information and/or processes for enforcement and prosecution.</p>	MJS_001	MJS
		Is there a policy on enforcement and prosecution in place?	<p><b>Satisfactory</b> – the MSMS, Section 9.11 is titled 'Enforcement Policy'.</p> <p><b>Observation</b> – it is not clear if the 'policy' within the MSMS has been approved by the Harbour Board and Duty Holder, nor is it clear at what frequency this policy is reviewed.</p>	<p><b>Recommendation</b> – the policy is separated from the body of the MSMS manual and presented as part of a policy pack.</p>	MJS_001	MJS
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	<p><b>Satisfactory</b> – this requirement is evidence through the publication of PMSC policy and plans on the Council's website.</p>		<a href="https://www.argyll-bute.gov.uk/marine-safety-management-system">https://www.argyll-bute.gov.uk/marine-safety-management-system</a>	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	<p><b>Non-compliance</b> – the 'Marine Safety Plan' for the years 2018 to 2020 (the previous plan) has not been assessed and the Organisation's performance published.</p>	<p><b>Recommendation</b> – a review of the previous plan for the years 2018 to 2020 is assessed and published.</p>	n/a	MJS
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	<p><b>Satisfactory</b> – a signed and issued 'Marine Safety Plan' approved by the Harbour Board on 04 March 2021 is hosted on the Council's website. The plan covers the years 2021 to 2023.</p>		MJS_002	MJS
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users?	See response in this Audit report, Section 2.17 on Consultation.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	<b>Satisfactory</b> – the Council wrote to the MCA on 10/03/21 to confirm its current state of compliance with the Code. Letter evidenced. The DfT list of ports reporting compliance does not include A&BC ports, harbours or marine facilities. This position has been taken by the DfT, guidance by the MCA, as the Council has confirmed it is not compliant at the time of writing the letter but was working towards full compliance in a number of key areas, including: legislation review and update, policy review, MSMS documentation and creation of Standard Operating Procedures (SOPs).		MJS_023  <a href="https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list">https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list</a>	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations with its jurisdiction comply with the requirements of the Code?	<b>Satisfactory</b> – there are no other Organisations within the North Pier SHA area operating marine facilities. The South Pier facilities are operated by CFL, on behalf of CMAL, which has declared its compliance with the Code.		n/a	MJS

### A.3 PMSC Section 3 – General Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	<b>Satisfactory</b> – a commitment to 'safe and efficient' port operations is made in the MSMS within the hydrographic policy and within individual port, harbour and Pier Annexes. Checking of the pier and breakwater is part of the pier asset inspection regime.		MJS_001	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty'?	<b>Satisfactory</b> – Oban North Pier and South Pier operates on the premise that an Open Port Duty under Section 33 of the 'Harbours, Docks and Piers Clauses Act 1847' is in place.		MJS_001 MJS_002 MJS_005	MJS
3.6 – 3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> <li>▪ Survey as necessary</li> <li>▪ Place navigation marks</li> <li>▪ Keep 'vigilant watch' for any seabed changes</li> <li>▪ Keep hydrographic records</li> <li>▪ Ensure hydrographic information is published</li> <li>▪ Update UKHO.</li> </ul>	<b>Satisfactory</b> – the MSMS, Section 10, details the Harbour Authority's approach to conservancy. This includes conservancy duty, hydrographic survey policy, dredging, Aids to Navigation (AtoN), wreck removal, dangerous vessels and licensing marine works. The last bathymetric survey was conducted on 07 April 2021. Information was passed by the survey contractor to UKHO. Evidence sighted.		MJS_001 MJS_024 MJS_025	MJS
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	<b>Satisfactory</b> – a bilateral agreement between A&BC and the UKHO is in place, dated 17 March 2017.		MJS_026	MJS
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	<b>Satisfactory</b> – there is no evidence that A&BC as Harbour Authority at Oban has any powers to licence marine works under its local Acts and Orders. There is no licence held for the disposal of dredged material at sea.		MJS_005	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> <li>▪ Nature conservation Section 48A of Harbours Act 1964</li> <li>▪ Obligations for SPA, SACs under Habitat Regs.</li> <li>▪ the Nature Conservation (Scotland) Act 2004</li> </ul>	<p><b>Satisfactory</b> – the MSMS, Section 11 is titled 'Environmental Policy' and Section 11.1.1 which provides four bullet points on plans, procedures and policies. Information regarding Oban and its local habitat is contained in the Oil Pollution Response plan.</p> <p><b>Observation</b> – the environmental policy lacks detail on how the obligations of the Harbour Authority under national legislation are delivered.</p> <p><b>Observation</b> – practical measures for applying the policy (in terms of procedures) are not evident from the MSMS.</p> <p><b>Observation</b> – training for staff on environmental duties and associated policy and procedures is not in place.</p>	<p><b>Recommendation</b> – the policy is separated from the body of the MSMS manual and presented as part of a policy pack with improved information linking to obligations under national legislation.</p> <p><b>Recommendation</b> – develop procedures and link to staff training to implement environmental policy.</p> <p><b>Recommendation</b> – development of a standardised environmental training delivery for port, harbour and pier employees.</p>	MJS_001 MJS_030	MJS
3.9	Civil Contingency Duty	Does the MSMS include reference to the Harbour Authority's obligations as a Category 2 responder?	<b>Satisfactory</b> – the MSMS includes reference to Civil Contingency duties within supporting port, harbour and pier Annexes.		MJS_001	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	<b>Satisfactory</b> – an Oil Pollution Response Plan is in place, which was approved by the MCA on 04 December 2018 and is valid until the 27 November 2023. The annual OPRC return form was evidenced. A&BC maintain a Critical Activity Recover Plan (CARP) which incorporates the Council's Civil Contingency duties. Oban has an emergency plan, covering Oban North Pier, pontoons and Oban Times Slip. This was last published in January 2022 as revision 3.		MJS_027 MJS_029 MJS_046	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont.  GtGP 6.2.4, 6.5	Cont.  Emergency Planning / Pollution control	Does the port/harbour carry out emergency plan exercises?	<b>Satisfactory</b> – a training exercise for oil pollution was carried out for A&BC in Campbeltown on 23 November 2021, as operation ‘Smerby’. Evidence provided. In addition, locally, the Harbour Master in Oban has kit musters and drills prior to each season with seasonal staff. Staff also practised replacing a contaminated boom with a clean boom whilst keeping any oil entrapped.  <b>Observation</b> – annual exercises of both the Oil Pollution Response Plan and the Emergency Plan at Oban would be beneficial to schedule.	<b>Recommendation</b> – the production of a yearly planner to detail emergency exercises.	MJS_031 MJS_032	MJS
3.10 – 3.11	Harbour Authority Powers review	Has the Harbour Authority reviewed its powers?	See the audit report response in Section 2.3 – 2.6.		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	<b>Satisfactory</b> – the last HRO was made in 1896, a new HRO has been drafted and is open to public consultation at the time of audit.		MJS_005  <a href="https://www.argyll-bute.gov.uk/news/2022/jul/public-consultation-municipal-harbour-authority-oban">https://www.argyll-bute.gov.uk/news/2022/jul/public-consultation-municipal-harbour-authority-oban</a>	MJS

## A.4 PMSC Section 4 – Specific Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	<p><b>Satisfactory</b> – the MSMS identified the Harbour Master’s role by name.</p> <p><b>Observation</b> – at the time of audit there was no evidence of an appointment letter for the statutory role of Harbour Master or Deputy Harbour Master made by the Harbour Authority under relevant local Acts and Orders.</p>	<p><b>Recommendation</b> – consider issuing a letter of appointment for statutory roles, separate to normal Human Resource (HR) letters.</p>	MJS_001	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	<p><b>Satisfactory</b> – under Section 46 of the ‘Pier and Harbour Orders Confirmation (No.5) Act 1896, Schedule 2, Oban Improvement and Maintenance of Piers’, the Harbour Authority may make Byelaws. No Byelaws are known to be issued.</p> <p><b>Observation</b> – information on powers to make Byelaws is not included in the MSMS Annex on Oban.</p>	<p><b>Recommendation</b> – information describing the powers of the Harbour Authority to make Byelaws is included in the MSMS.</p>	MJS_005	MJS
		Date of last byelaw review?	<p><b>Not applicable</b> – no Byelaws are known to be issued.</p>		n/a	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master’s powers of Direction shown in the MSMS, how is delegation identified?	<p><b>Satisfactory</b> – the MSMS, Section 5.1.3.2, deals with the topic of Special Direction as a high level description stating: <i>“Ports will monitor vessel movements to ensure compliance with all relevant bye-laws and General or Special Directions as well as Pilotage Directions and, where applicable, Local Notices to Mariners”.</i></p> <p><b>Observation</b> – the MSMS Annex on Oban does not provide information on how powers of Special Direction are used for controlling vessel movements.</p>	<p><b>Recommendation</b> – the MSMS Annex on Oban should be expanded to include a procedure for issuing Special Directions.</p>	MJS_002	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	<p><b>Not applicable</b> – powers of General Direction are not identified in the ‘Pier and Harbour Orders Confirmation (No.5) Act 1896, Schedule 2, Oban Improvement and Maintenance of Piers’.</p>		MJS_005	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. 4.8	Cont. General Directions	When were General Directions last reviewed?	Not applicable – powers of General Direction are not available.		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	Not applicable – Harbour Directions have not been applied for.		n/a	MJS
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	<b>Satisfactory</b> – the Harbour Master has powers under the Dangerous Vessels Act 1985. This is laid out in the MSMS, Section 10.4.4.  <b>Observation</b> – information relating to the expected action for the Harbour Master in respect of a dangerous vessel should be laid out as a procedure.	<b>Recommendation</b> – the creation of a Standard Operating Procedure based around actions a Pier or Harbour Master should take in respect of a dangerous vessel.	MJS_001	MJS
		Is the role of the SOSREP acknowledged?	<b>Satisfactory</b> – the ‘Secretary of State’ overruling the Harbour Master’s direction is acknowledged in the MSMS, Section 5.1.3.4  <b>Observation</b> – the term SOSREP is not included in the MSMS.			
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous goods/substances?	<b>Satisfactory</b> – the declaration of dangerous goods and substances is detailed in the MSMS, Section 5.1.3.6. The Council’s website contains reporting forms for the declaration of dangerous goods.  <b>Observation</b> – the MSMS states that: “ <i>Dangerous Substances in Harbour Areas Regulations (DSHAR) 2016</i> ”. The current regulations are the ‘The Dangerous Goods in Harbour Areas Regulations 2016 (DGHAR)’.	<b>Recommendation</b> – updating the MSMS to the latest regulation and acronym.	MJS_001 MJS_042 MJS_043	MJS
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	<b>Satisfactory</b> – vessel traffic is monitored and managed through: <ul style="list-style-type: none"> <li>▪ Visual observation and communications by Very High Frequency (VHF), phone and email.</li> <li>▪ An online calendar is used for CalMac, NLB and A&amp;BC bookings.</li> <li>▪ A&amp;BC bookings are split into two sections (marina pontoons and pier).</li> </ul>		Observational	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont.  GtGP 8.4	Cont.  Vessel Traffic Management	Is vessel traffic monitoring information passed to the MCA by the quickest means?	<b>Satisfactory</b> – the Council has a CERS login, evidence of a completed CERS logbook provided for the 'Lord of the Glens'.		MJS_033	MJS
		Has the need for VTS/LPS been reviewed recently?	<b>Satisfactory</b> – the current method of vessel traffic management has been arranged to meet the demands of harbour use. The formal risk assessment for vessel traffic management is a strategic action in the Marine Safety Plan and is dated for completion by 2023. This strategic action references MGN 401, (MCA, 2022). The harbour is staffed during winter between 08:00-16:00 hr, and summer between 08:00-20:22 hr. Every day except Christmas Day (uses an on-call duty process out of hours).		Observational	MJS
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	<b>Satisfactory</b> – the MSMS references the Railways and Transportation Safety Act (RATSA) 2003. The MSMS, Section 9.8 also references actions to take if a crime has been committed. The Council also has a Drink and Drugs Policy for its own staff.  <b>Observation</b> – there is no specific instruction on the actions to take if a professional mariner is suspected of a drink or drugs offence when on duty.	<b>Recommendation</b> – the creation of a procedure to inform the Authority's officers of their expected action for a drink or drugs offence under the RATSA 2003.	MJS_001	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Has the requirement for pilotage been reviewed?	<b>Satisfactory</b> – A&BC's harbour operation at Oban does not handle vessels of sufficient size to require a Pilotage Service. None of the risk assessments for the harbour identify the need for a Pilotage Service.		MJS_011 MJS_012	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.12 GtGP 9.4	Pilotage Directions	Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced in the MSMS?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the International Maritime Organisation (IMO) resolution A960?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Are the requirements equivalent to those for an authorised pilot?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	Satisfactory – information is included in the Port of Scotland publication, the Reeds Nautical Almanac and Marina Guide, and the Admiralty List of Radio Signals (ALRS), Volume 6, which are up to date for Oban.		ALRS, Volume 6  Ports of Scotland, 2022. Yearbook, 41st Edition.	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	Satisfactory – information is published on the Oban North Pier pontoons website.		<a href="https://www.northpierpontoons.com/">https://www.northpierpontoons.com/</a>	MJS
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	Satisfactory – charges (including dues) are laid out on the Council’s website. The process for setting charges uses a benchmarking exercise with other local ports. Charges are increased at the rate of inflation.		<a href="https://www.argyll-bute.gov.uk/fees/22/piers">https://www.argyll-bute.gov.uk/fees/22/piers</a>	MJS
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	Satisfactory – as the Local Lighthouse Authority (LLA) the following Aids to Navigation are maintained: <ul style="list-style-type: none"> <li>2x CAT 2: Fixed Green Lights (vertical) on middle Pier.</li> <li>1x CAT 2: Flashing Green (5 seconds) on the North Pier Pontoons.</li> </ul>		MJS_001	MJS
4.24	GLA returns	Are returns made to the GLA?	Satisfactory – the LATON three-year return for A&BC identifies the availability return values for the period April 2019 to April 2022 as: <ul style="list-style-type: none"> <li>Cat 2 = 99.84% (target is 99%)</li> <li>Cat 3 = 100% (target is 97%)</li> </ul> Provision and maintenance of Aids to Navigation is recognised as an <b>area of best practice</b> .		MJS_044	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.25-4.32	Wrecks, Abandoned or unseaworthy vessels	Does the MSMS refer to powers for dealing with wrecks?	<p><b>Satisfactory</b> – the MSMS addresses wrecks within the Conservancy section and with respect to marking of wrecks. The most recent incident was the 'Lady Evelyn'.</p> <p><b>Observation</b> – the MSMS does not contain specific information on dealing with wrecks, derelict or abandoned vessels.</p>	<p><b>Recommendation</b> – the topic of wrecks, derelict and abandoned vessels is covered by a Harbour Authority procedure.</p>	MJS_001  Anecdotal	MJS
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	Not applicable – the Organisation is not a Competent Harbour Authority and therefore has no requirement to operate a pilot boat.		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	<p><b>Satisfactory</b> – the MSMS, Section 13.1.1.6 addresses towage.</p> <p><b>Observation</b> – the section on towage addresses Campbeltown only. There is no comment on towage (either routine or non-routine) at other A&amp;BC ports, harbours or piers.</p>	<p><b>Recommendation</b> – drafting of appropriate towage guidelines for all A&amp;BC ports, harbours or piers.</p>	MJS_001	MJS
		Is there a process for approving towage providers?	Not applicable – there are no towage providers in Oban Harbour.		n/a	MJS
		Are non-routine tows pre-approved / managed by the organisation?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.6 addresses towage.		MJS_001	MJS
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Not applicable – there are no known powers to licence tugs.		n/a	MJS
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.7 addresses commercial diving in the harbour. A 'Permission to Dive Permit' for 26 August 2022 was evidenced.		MJS_001 MJS_039	MJS
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Not applicable – there is no history of recreational diving.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.2 under 'Mooring Operations' states that: <i>"Where appropriate permission to undertake Hot Work is required for any burning, welding, flame cutting, heating by blow torch and brazing, when it is being done outside the engine room of a vessel. All hot work activities carried out by third parties and other contractors in the port is controlled by a "Hot Work Permit".</i> There is no history of using the 'Hot Work Permit' at Oban.		MJS_001	MJS
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.4 states that: <i>"Bunkering may take place within Harbour areas with approval of the Harbour Master or his/her Assistant and Bunkering Operations will follow an Approved Bunkering Procedure provided by the Bunker Fuel Supplier".</i> A 'Bunkering Safety Checklist' for 22 August 2022 was evidenced.		MJS_001 MJS_040	MJS
GtGP – 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	<b>Satisfactory</b> – the MSMS, Section 13.1.1.5 has a detailed section on the expectations for Boat Licensing.  <b>Observation</b> – four boats and workboats routinely use the harbour. There is currently no method of obtaining assurance that craft working commercial (i.e., not Council activities) are operating their vessels in accordance with relevant MCA codes.	<b>Recommendation</b> – the Harbour Authority considers the requirements of the Code and GtGP (Section 11.3, 11.4) with respect to regulating third party commercial workboats and launches within its area of jurisdiction and creates a registration scheme for workboats using the Authority's area.	MJS_001	MJS



## B Quayside Check

Visual observation of the Oban Times Slip, Pontoons and North Pier was undertaken during the site visit on the 06 September 2022.

### B.1 Quayside Check

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	<b>Satisfactory</b> – the Oban Times Slipway, marina pontoons and North Pier were free from debris and trip hazards.		MJS
		Pedestrian/Disabled access for passengers or leisure users?	<b>Satisfactory</b> – walkways were clear on the Marina Pontoons. The slipway had no markings (considered not to be required as a pedestrian slipway only). The North Pier had areas for vehicles identified from pedestrian walkways, as an open public space, the site is difficult to manage without restricting access.		MJS
		Is the type and condition of quayside surface appropriate to the operation?	<b>Satisfactory</b> – the Oban Times Slipway, marina pontoons and North Pier surface is appropriate to its intended use.		MJS
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	<b>Satisfactory</b> – the Oban Times Slipway is located on the foreshore with access steps either side of the slipway. The marina pontoons had ample water access and egress ladders installed. The North Pier had vertical ladders on the quay face with hand grips at the cope level.		MJS
		Is there appropriate LSE at quay edge?	<b>Satisfactory</b> – Life saving equipment (life rings) were installed at the marina pontoons and North Pier.  <b>Observation</b> – there was no provision of a life ring or other LSE at the Oban Times Slip. See Image B1.	<b>Recommendation</b> – installation of LSE at Oban Times Slip, for example, a life ring.	MJS
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	<b>Satisfactory</b> – the Oban Times Slipway had mooring rings, set into the slipway, these were in good condition. The marina pontoons have cleats and small sets of bollards. North Pier mooring bollards are of good quality and in the opinion of the auditor, ample in size for the vessels handled.		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
Cont. SIP 005	Bollards and securing equipment	Cont.  Does the general condition of bollards appear to be in good order?	<b>Observation</b> – mooring rings on the Oban Times Slip may present a trip hazard. See Image B1.	<b>Recommendation</b> – that mooring rings, or area around the mooring rings at the Oban Times Slip are painted in a bright colour to aid their identification.	MJS
		Are the bollards numbered and Safe Working Load (SWL) shown?	<b>Observation</b> – the North Pier mooring bollards did not have their SWL identified. See Image B2.	<b>Recommendation</b> – the SWL is marked on each bollard.	MJS
		Are additional bollards/rings required?	<b>Satisfactory</b> – in the opinion of the auditor, ample mooring rings on the Oban Times Slip, cleats and bollards on the marina pontoons and bollards on the North Pier are provided.		MJS
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	<b>Satisfactory</b> – fendering on the North Pier is vertical plastic sections on timber, the condition of which is considered to be good from visual observation. The Oban Times Slip does not have fendering, the pontoons have edge protection.		MJS
		Is the condition of the fendering in good order?	<b>Satisfactory</b> – all fitted fendering was observed to be in serviceable condition.		MJS
		Are chaffing plates used?	<b>Satisfactory</b> – chaffing plates and/or wood sections are not used on the Oban Times Slip or pontoons. Wooden sections are used along the North Pier edge.		MJS
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	<b>Satisfactory</b> – there is ample lighting around all berths at the North Pier and Pontoons. The Oban Times Slip is not used at night and has street lighting only.		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	<b>Satisfactory</b> – the pontoons have metal security fencing used to manage cruise passengers under International Ship and Port Facility (ISPS) requirements.		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	<b>Satisfactory</b> – Oban Times Slip and the Marina Pontoons have signage.  <b>Observation</b> – signage at the North Pier to warn the public of the working area of the quayside edge was not evident.	<b>Recommendation</b> – installing signage to warn the public of the quayside edge and working quayside area.	MJS



Image B1. Oban Times Slip, mooring rings and absent LSE



Image B2. North Pier, bollard

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