

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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24 August 2023

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE HARBOUR BOARD** will be held **ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AND BY MICROSOFT TEAMS** on **THURSDAY, 31 AUGUST 2023** at **1:30 PM**, or at the conclusion of the Environment, Development and Infrastructure Committee at 10.30am, whichever is the later, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **MINUTES** (Pages 3 - 6)
Argyll and Bute Harbour Board held on 2 March 2023
4. **OBAN HARBOUR UPDATE** (Pages 7 - 42)
Report by Executive Director with responsibility for Roads and Infrastructure Services
5. **PORT MARINE SAFETY CODE** (Pages 43 - 118)
Report by Executive Director with responsibility for Roads and Infrastructure Services
6. **PIERS & HARBOURS - MARINE ASSET MANAGEMENT PLAN** (Pages 119 - 128)
Report by Executive Director with responsibility for Roads and Infrastructure Services
7. **REPORTS FOR NOTING**
7. **ARGYLL AND BUTE HARBOUR BOARD WORKPLAN** (Pages 129 - 130)

Argyll and Bute Harbour Board

Councillor John Armour

Councillor Amanda Hampsey

Councillor Jim Lynch

Councillor Ross Moreland (Vice-Chair)

Councillor Garret Corner

Councillor Andrew Kain (Chair)

Councillor Ian MacQuire

Councillor Andrew Vennard

Contact: Hazel MacInnes Tel: 01546 604269

MINUTES of MEETING of ARGYLL AND BUTE HARBOUR BOARD held ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AND BY MICROSOFT TEAMS on THURSDAY, 2 MARCH 2023

Present: Councillor Andrew Kain (Chair)

Councillor John Armour	Councillor Ian MacQuire
Councillor Garret Corner	Councillor Ross Moreland
Councillor Amanda Hampsey	Councillor Andrew Vennard
Councillor Jim Lynch	

Attending: Kirsty Flanagan, Executive Director
Jim Smith, Head of Roads and Infrastructure Services
Scott Reid, Marine Operations Manager
Stuart McLean, Committee Manager
Montgomery Smedley, Designated Person: Port Marine Safety Code

1. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

(a) Argyll and Bute Harbour Board held on 1 September 2022

The Minutes of the meeting of the Argyll and Bute Harbour Board held on 1 September 2022 were approved as a correct record.

(b) Special Argyll and Bute Harbour Board held on 22 December 2022

The Minutes of the Special meeting of the Argyll and Bute Harbour Board held on 22 December 2022 were approved as a correct record subject to amending under those attending to read that Frank Roberts was attending on behalf of Oban Community Council and Phil Hamerton on behalf of Oban Bay Stakeholders; and not on behalf of Oban Community Harbour Development Association.

4. OBAN BAY UPDATE

The Harbour Board gave consideration to a report providing an update on the status of plans to establish the Municipal Oban Harbour and the progress of the Oban Harbour Revision Order (HRO). The report followed on from the 22 December 2022 meeting of the Harbour Board where approval was given for a draft HRO to be submitted to Transport Scotland on an informal review basis.

Decision

The Argyll and Bute Harbour Board noted the update provided in the submitted report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated February 2023, submitted)

Councillor John Armour joined the meeting during the consideration of the following item of business.

5. PIERS AND HARBOURS - MARINE ASSET MANAGEMENT PLAN

The Harbour Board gave consideration to a report providing a review of the Marine Works Asset Management Plan. The report included an update on significant and major programmes currently planned and underway within Argyll and Bute Council's Marine Asset Management Plan as well as schemes added since the last update.

Decision

The Argyll and Bute Harbour Board –

1. noted the update on the major programmes currently being addressed within Argyll and Bute Council's Marine Asset Management Plan;
2. noted that £6.5 million worth of capital works are programmed for the financial year 2023/2024; and
3. noted that there was a potential spend of c.£110 million over the next 5 years, the majority of which would support the new CMAL and CFL / CalMac fleet renewal.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated February 2023, submitted)

6. PORT MARINE SAFETY CODE (Pages 5 - 14)

The Harbour Board gave consideration to a report providing an update on progress being made towards compliance with the Port Marine Safety Code (PMSC). The Designated Person delivered a presentation to the Harbour Board on the Designated Person's Annual Report which was attached at Appendix A to the submitted report.

Decision

The Argyll and Bute Harbour Board –

1. noted the content of the submitted report;
2. noted the Designated Person's Annual Report at appendix A to the submitted report;
3. approved the new version (Volume I) of the Marine Safety Management System at appendix B to the submitted report; and
4. noted the Marine Safety Plan update at appendix C to the submitted report.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated August 2022, submitted)

7. DRAFT HARBOUR BOARD WORKPLAN

The draft work-plan was before the Harbour Board for noting.

Decision

The Argyll and Bute Harbour Board noted the content of the work-plan.

(Reference: Draft Argyll and Bute Harbour Board Work-plan dated February 2023, submitted)

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ARGYLL AND BUTE COUNCIL

HARBOUR BOARD

**ROADS AND INFRASTRUCTURE
SERVICES**

31 AUGUST 2023

OBAN HARBOUR UPDATE

1.0 INTRODUCTION

- 1.1 This report is provided to update Members on the status of plans to establish the Municipal Oban Harbour and the progress of the Oban Harbour Revision Order (HRO).
- 1.2 It also details the next steps process for the formal consultation process to make the order.

2.0 RECOMMENDATIONS

It is recommended that the Harbour Board:

- 2.1 Notes the update provided in this report; and
- 2.2 Agrees the final draft HRO provided herewith for submission to Transport Scotland.
- 2.3 Agrees the Terms of Reference for the consultative bodies appended to the report.

3.0 DETAIL

Harbour Revision Order (HRO)

- 3.1.1 Since December 2022, following Harbour Board approval, the Oban Harbour draft HRO has been subject of informal discussions with the aim of finalising the document.
- 3.1.2 The key changes made to the draft Order as a result of the informal consultation process are set out in appendix B. It should be noted that the bulk of the changes that have been made are primarily for clarity or for drafting reasons and do not amend the substantive powers to be exercised by the Council over the Harbour, or the way in which the Council may exercise those powers. Appendix B does not include all those changes made for clarity or drafting reasons, or which are technical in nature. The draft attached as appendix A is provided for agreement of members as the final draft HRO provided herewith for submission

to Transport Scotland.

- 3.1.3 A Business Day for the Harbour Board was held on 20th June that included a presentation from our Designated Person (DP) Monty Smedley. A similar presentation was given at the following Oban Bay Management Group (OBMG) meeting for the benefit of other interested parties.
- 3.1.4 Recruitment has been completed for a replacement Assistant Harbour Master and two additional Assistant Harbour Masters to ensure a smooth first step is made in preparation for the new shift patterns once the HRO is in place.
- 3.1.5 Terms of Reference have been drawn up for the proposed Consultative Forums and are set out in Appendix C for agreement of Members. Based on the guidelines and recommendations of the Port Marine Safety Code (PMSC), it is proposed to have an administrative management level group made up of the organisations with financial and legal responsibility in the bay and a broad Consultative Forum made up from the stakeholders and communities who rely on Oban Harbour.

3.2 Next Steps

The next steps from there are summarised in the following table:

Formal submission and Statutory Consultation

Step	Description	Actioned by
1	Formal application requested by Transport Scotland and submitted by Argyll & Bute Council. Accompanied by fee, maps etc.	Transport Scotland & RIS / Legal
2	Public Notice – 42 days of public consultation. May result in representations being received from members of the public, community groups or statutory consultees.	Objection handling by Transport Scotland by written representation, hearing or inquiry. Negotiation/ modifications by Argyll & Bute Council.
3	Consultation with statutory consultees is also open for 42 days but may not exactly match the same commencement day as the public consultation period. (see 3.2.6)	Managed by Transport Scotland, then passed to Argyll & Bute Council.
4	Scottish Ministers consideration of application and decision.	Scottish Government.
5	Decision letter issued & decision published.	Transport Scotland.
6	Order Made. Argyll & Bute Council assume control of new harbour area.	Scottish Government.

- 3.2.1 Approval of the draft HRO will enable the Council to submit this to Transport

Scotland. On doing so, the Council must then publish notice of the application once in the Edinburgh Gazette and once in each of two successive weeks in one or more local papers, most likely the Oban Times.

- 3.2.2 The notice must comply with the 1964 Act and will give:
- Notice that the application has been made.
 - Note that an Environmental Statement is not required.
 - A concise summary of the draft order.
 - Information on how objections should be made within 42 days of the date the order was first advertised and details of the procedure for handling these.
 - Original copies of the publications which must be provided to Transport Scotland.
- 3.2.3 Scottish Ministers may direct that the draft is served on specified bodies or persons and they will formally advise us if this is the case when we submit the application. Examples are Maritime & Coastguard Agency (MCA), UK Chamber of Shipping, and Northern Lighthouse Board etc.
- 3.2.4 We will publish the submission on the Council website for public viewing and promote that via Social Media, our 'Keep in the Loop' service and by any other appropriate means identified in liaison with the Communications team. This is an established consultative process from the informal consultation already carried out for the Oban HRO.
- 3.2.5 We have received representation from OCHDA and Oban Community Council for these groups to carry out the consultation on behalf of the Council. Given the formation of the HRO is a matter that falls directly to the Council and for which it is responsible, the formal nature of the statutory process, that the council needs to be fully accountable for the consultation process and the responses that it provides to any representation and maintain direct communication with Transport Scotland throughout that process it is considered appropriate that the Council retain the direct responsibility and control over the exercise of this function.
- 3.2.6 The process requires at least 42 days for representations to be made and during this period Transport Scotland will conduct their own consultations with the statutory consultees served with the draft HRO. Each consultee will have 42 days to respond so this may not run concurrently with our public consultation period.
- 3.2.7 All objectors must state the grounds and their representations will be forwarded on to us from Transport Scotland. In addition, as we have had consultations on this subject before, there may be representations sent directly to us which we should share with Transport Scotland.
- 3.2.8 There is no fixed timescale for handling any representations received and the Council will have the opportunity during the 42 day period to address any issues that can be resolved with more information or mitigation. At the end of the 42 day period Transport Scotland and Argyll & Bute Council will then agree a timeframe to review the representations. The timeframe may be extended if

required and objections can be withdrawn at any time by writing to Ministers but at the end of the timeframe Transport Scotland will contact all outstanding objectors to confirm the status of the objection.

3.2.12 Ministers will make the decision on the appropriate route to deal with any objections which are not withdrawn which can include further written representation or in extreme or complex cases a hearing or public inquiry on similar lines to planning inquiries.

3.2.13 The Minister will then consider the material provided and reach a decision, which may involve modifications to the order to meet objections or provide mitigation measures.

3.2.14 Ministers will then consider the draft and issue a formal decision letter to us, copied to consultees and objectors and published on the Transport Scotland website.

3.2.15 Assuming the decision is positive the order will be made and we must publish notice of this in the Edinburgh Gazette and a local paper (again most likely the Oban Times) and serve copies on the same people identified and notified of the original application.

4.0 CONCLUSION

4.1 This report provides an update to Members on the status of plans to establish the Municipal Oban Harbour and the progress of the Oban Harbour Revision Order (HRO). The report also provides the Terms of Reference for consultative groups for once the HRO has been made.

5.0 IMPLICATIONS

5.1 Policy – The Harbour Board agreed in December 2021 that the Council should proceed to make the arrangements to formally manage the unmanaged section of Oban Bay.

5.2 Financial – No financial implications at this stage, all costs have been met through existing budgets and the Municipal Harbour will have fees and charges through conservancy charges etc. which will cover the operating costs

5.3 Legal – the HRO process is a formal legal process set out in the 1964 Harbours Act.

5.4 HR – HR implications will be identified as the proposal progresses.

5.5 Fairer Scotland Duty:

5.5.1 Equalities – None known

- 5.5.2 Socio-economic Duty – None Known
- 5.5.3 Islands – consultation will be carried out with the island communities as a continuation and expansion of the Options Appraisal Process reported to the December harbour Board.
- 5.6 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.
- 5.7 Risk - The Council progressing to become a Municipal Port Authority for the unmanaged areas of Oban Bay increases the safety within Oban Bay. There is a risk that there could be a number of objections and representations during the process which could impact on timescale and these will be considered as and when they arise.
- 5.8 Customer Service – Improved and safer environment for all users

Kirsty Flanagan, Executive Director with responsibility for Roads and Infrastructure

Jim Smith, Head of Roads and Infrastructure

Policy Lead for Roads and Transport, Councillor Andrew Kain

August 2023

For further information contact: Jim Smith, Head of Roads and Infrastructure, or Scott Reid, Marine Operations Manager

- Appendix A: Oban HRO with map of limits (Appendix A1)
- Appendix B: Notes on amendments to Oban HRO
- Appendix C: Terms of Reference, Oban Harbour Consultative Forums

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SCOTTISH STATUTORY INSTRUMENTS

2023 No.

HARBOURS, DOCKS, PIERS AND FERRIES

The Argyll and Bute Council (Oban) Harbour Revision Order
2023

Made 2023

Coming into force 2023

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SCHEDULE — Repeals

The Scottish Ministers (“the Ministers”) make the following Order in exercise of the powers conferred by section 14(1), (2A) and (3) of the Harbours Act 1964(a) and all other powers enabling them to do so.

In accordance with section 14(1) of that Act, this Order is made in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, for achieving objects specified in Schedule 2 to that Act(b).

(a) 1964 c.40; section 14 was relevantly amended by the Transport Act 1981 (c.56), schedule 6, paragraphs 2, 3, 4(1) and 14 and schedule 12 and the Transport and Works Act 1992 (c.42), schedule 3, paragraph 1. See sections 14(7) and 57(1) of the Harbours Act 1964 for the definitions of “the appropriate Minister” and “the Minister”. The functions of the Minister of the Crown were transferred to the Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) Schedule 2 was relevantly amended by the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 9.

In accordance with section 14(2) of the Act—

- (a) this Order is made following a written application to Ministers by Argyll and Bute Council ("the Council") being the Council engaged in improving, maintaining or managing the harbour; and
- (b) except in so far this Order is made for achieving objects mentioned in section 14(2A) of the Act, the Ministers are satisfied that the making of this Order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner.

In accordance with section 14(2A) of that Act, the objects for achieving which this Order is made include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour.

In accordance with paragraph 4 of schedule 3^(c) to that Act, the Ministers have decided that the application relates to a project which falls within Annex II to Council Directive 2011/92/EU^(d) of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment but, taking into account the criteria set out in Annex III to that Directive, that the project is not a relevant project.

In accordance with paragraph 5 of that schedule^(e) the Ministers have informed the Council in writing that the application relates to a project which falls within Annex II to that Directive but is not a relevant project.

Notice has been published by the Council in accordance with the requirements of paragraph 10 of schedule 3 of that Act^(f).

The provisions of paragraph 17 of that schedule have been satisfied. [No objections to the application have been made.] [All objections to the application have been withdrawn or paragraph 18(1A) of that schedule applied in respect of those objections.] [No representations under paragraph 10(2)(f) of that schedule have been made.]

[[In accordance with paragraph 18(1C) of that schedule,] Ministers have caused an inquiry to be held under paragraph 18(1B) of that schedule.]

[[In accordance with paragraph 18(1C) of that schedule,] Ministers have given to a person who made an objection an opportunity of appearing before and being heard by a person appointed by Ministers under paragraph 18(1B) of that schedule.]

In accordance with paragraph 19(1) of that schedule [?], Ministers have considered—

- (a) any objections made and not withdrawn,
- (b) any representations made under paragraph 10(2)(f) of that schedule,
- (c) [the report of the person who held the inquiry] [the report of the person appointed for the purpose of hearing an objector under paragraph 18 of that schedule], and
- (d) [any written representations submitted to Ministers by the Council or any objector in elaboration of the application or, as the case may be, objection].

(c) Paragraph 4 was substituted by S.I. 2017/1070 and amended by S.I. 2020/460.

(d) O.J. L 26, 28.1.2012, p.1, as relevantly amended by Council Directive 2014/52/EU (O.J. L. 24, 25.4.2014, p.1).

(e) Paragraph 5 was substituted by S.I. 2017/1070.

(f) Paragraph 10 of schedule 3 was substituted by S.I. 1999/3445 and is amended by the Transport and Works (Scotland) Act 2007 (asp 8), section 25(5)(b) and (c). Schedule 3 is also amended by S.I. 2017/170, schedule 1, paragraph 80.

In accordance with paragraph 19(6) of that schedule, Ministers have decided [to make this Order in the form of the draft submitted to them] [to make this Order with modifications [which do not appear to Ministers substantially to affect the character of the Order] [which appear to Ministers substantially to affect the character of the Order]].

PART I

Preliminary

Citation and commencement

1. This Order may be cited as the Argyll and Bute Council (Oban) Harbour Revision Order 2023 and comes into force on the day after the day on which it was made.

Interpretation

2. In this Order—

“the 1847 Act” means the Harbours, Docks and Piers Clauses Act 1847^(g);

“the 1862 Act” means the Pier and Harbour Orders Confirmation Act 1862^(h);

“the 1864 Act” means the Pier and Harbour Orders Confirmation Act 1864⁽ⁱ⁾;

“the 1896 Act” means the Pier and Harbour Orders Confirmation Act 1896^(j);

“the 1897 Act” means the Callander and Oban Railway Act 1897^(k);

“the 1964 Act” means the Harbours Act 1964^(l);

“the 1974 Act” means the Scottish Transport Group (Oban Quay) Order Confirmation Act 1974^(m);

“the 1992 Act” means the Transport and Works Act⁽ⁿ⁾;

“the 1994 Act” means the Local Government etc. (Scotland) Act 1994^(o);

“the 1995 Act” means the Merchant Shipping Act 1995^(p);

“the 1998 Act” means the Scotland Act 1998^(q);

“the 2007 Act” means the Transport and Works (Scotland) Act 2007^(r);

“CMAL” means Caledonian Maritime Assets Limited, a company incorporated in Scotland with registered number SC001854 and having its registered office at Municipal Buildings, Fore Street, Port Glasgow, Renfrewshire, PA14 5EQ;

“Commissioners of Northern Lighthouses” means the general lighthouse authority for Scotland, a body corporate constituted by section 193 and schedule 8 of the 1995 Act;

“the Council” means Argyll and Bute Council, a local authority established by the 1994 Act and having its principal place of business at Kilmory, Lochgilphead, Argyll, PA31 8RT;

“deposited plans” means the plans, sections and elevations, referred to in article 4 which are bound together, signed and dated with reference to this Order and marked “Argyll and Bute Council (Oban) Harbour Revision Order 2023 Plans, Sections and Elevations” copies of which

(g) 1847 c.27.

(h) 1862 c.45.

(i) 1864 c.xciii.

(j) 1896 c.clxxvii.

(k) 1897 c.clxxix.

(l) 1964 c.40.

(m) 1974 c.xxxiv.

(n) 1992 c.42.

(o) 1994 c.39.

(p) 1995 c.21.

(q) 1998 c.46.

(r) 2007 asp.8.

have been deposited at the offices of the Ministers at the Scottish Government, Victoria Quay, Edinburgh EH6 6QQ and at the offices of the Council;

"ferry operator" means the operator (if any), from time to time, of the Clyde and Hebrides Ferry Services on behalf of the Ministers;

"general direction" means a direction given by the Council under article 22;

"goods" includes equipment of any description;

"government department" includes any part of, or any member of the staff of, the Scottish Administration which shall have the same meaning as in section 126(6) of the 1998 Act;

"harbour" means the harbour at Oban comprised within the harbour limits;

"harbour limits" means the limits of the harbour as defined in article 4;

"harbour master" means any person appointed as such by the Council and includes that person's deputies and assistants and any person for the time being authorised by the Council to act, either generally or for a specific purpose, in the capacity of harbour master;

"harbour premises" means the quays, berths, piers, pontoons, moorings, landing places, and all other works, land, buildings and other structures and premises from time to time vested in or occupied or administered by the Council as part of the harbour undertaking;

"harbour undertaking" means the harbour undertaking of the Council at Oban;

"land" includes land covered by water, any interest in land and any servitude or right in, to or over land;

"master" in relation to a vessel means any person for the time being having or taking the command, charge or management of the vessel;

"mean high water springs" means the level of mean high-water springs;

"mooring" includes any buoy, pile, post, chain, pillar, jetty for use as an appurtenance to a dwelling or like apparatus or structure used for the mooring of vessels;

"personal watercraft" means a watercraft intended for sports and leisure purposes of less than 4 metres in hull length which uses a propulsion engine having a water jet pump as its primary source of propulsion and designed to be operated by a person or persons sitting, standing or kneeling on, rather than within the confines of, a hull;

"railway pier" means the section of the harbour at Oban as defined in article 4;

"relevant ferry services" means any services associated with the delivery of the Clyde Hebrides Ferry Services on behalf of the Ministers;

"relevant person" in relation to any property, rights or interests to which section 90B(5) of the 1998 Act applies means the person who manages that property, or those rights and interests;

"special direction" means a direction given by the harbour master under article 24;

"vessel" means a ship, boat, raft or craft of any description however propelled or moved, and includes a displacement craft, a non-displacement craft, a personal watercraft, a sea plane on the surface of the water, a hydrofoil vessel or any other amphibious vehicle and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily); and

"works" means any permanent or temporary manmade structures situated within the harbour limits.

Incorporation of the Harbours, Docks and Piers Clauses Act 1847

3.—(1) Sections 1 to 4, 33 to 35, 37 to 39, 42, 44, 46, 51, 54, 55, 63 to 65 of the 1847 Act are incorporated with this Order subject to the modifications stated in paragraph (2).

(2) In construing the provisions of the 1847 Act as incorporated with this Order—

- (a) the expression "the special Act" means this Order, the expression "the undertakers" means the Council and the expression "the harbour, dock, or pier" shall mean the harbour;

- (b) for the definition of the word “vessel” in section 3 (interpretations in this and the special Act) there shall be substituted the definition of that word in article 2;
- (c) section 63 shall be read and have effect as if for the words from “be liable to” to the end of the section there were substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”; and
- (d) section 65 (harbour master may remove vessel for purpose of repairing harbour or dock if the master neglects or refuses to do so) shall have effect subject to the omission of the words from “Provided always” to the end of the section.

PART 2

Duties and Powers of the Council

Limits of harbour

4.—(1) The Council shall exercise jurisdiction as a harbour authority within the harbour limits within which the powers of the harbourmaster are exercisable. The harbour limits are defined as the area enclosed by—

- (a) in the south, a straight line across Kerrera Sound from—
 - (i) E183320 N728235; to
 - (ii) E182932 N728565; and
- (b) in the north, straight lines joining the positions—
 - (i) E184103 N731226;
 - (ii) E183223 N731271;
 - (iii) E183249 N731787;
 - (iv) E184025 N732862;
 - (v) E184744 N732825; and
 - (vi) E185279 N732259; and
- (c) on the coast, the level below mean high water springs.

(2) The railway pier forms part of the harbour at Oban, under the jurisdiction of CMAL. The railway pier is defined by the 1897 Act, as amended by section 14 of the 1974 Act and can be confirmed as a continuous line joining the following points—

- (a) E185560 N729751;
- (b) E185518 N729775;
- (c) E185498 N729788;
- (d) E185513 N729841;
- (e) E185551 N729900;
- (f) E185600 N729946;
- (g) E185700 N730016;
- (h) E185760 N730031; and
- (i) E185869 N729934.

(3) In the event of any discrepancy between the boundaries of the harbour as described in this article and the boundaries shown on the deposited plans, the description contained within this article shall prevail.

(4) For the avoidance of doubt the Council shall not exercise jurisdiction as a harbour authority in respect of the railway pier.

General powers of the Council

5.—(1) The Council may take such steps from time to time as they consider necessary or expedient for the improvement, maintenance and management of the harbour and the accommodation and facilities afforded in or connected with the harbour.

(2) For those purposes, and without affecting the generality of paragraph (1), the Council may—

- (a) improve, maintain, regulate, manage, mark and light the harbour and provide harbour facilities in the harbour (including facilities for the supply by the Council of fuel for vessels);
- (b) construct, reconstruct, extend, enlarge, alter, replace, relay or demolish structures and works in the harbour;
- (c) subscribe for or acquire shares or securities of any body corporate;
- (d) maintain such reserve funds as they think fit;
- (e) invest any sums not immediately required for the purposes of the harbour;
- (f) turn their resources to account so far as not required for those purposes; and
- (g) do all other things which in their opinion are necessary or expedient to facilitate the proper carrying on or development of the harbour.

(3) The Council shall, in consultation with CMAL, implement an appropriate safety management system for the harbour.

(4) The Council shall not unreasonably prevent or unreasonably restrict access to the railway pier.

(5) This article does not affect any powers of the Council under or by virtue of any other enactment (including this Order).

Powers with respect to land, buildings, harbour facilities, etc.

6.—(1) The Council may for the purposes of the undertaking acquire land, whether by way of purchase, exchange, lease or otherwise.

(2) Without affecting article 8, the Council may for such price and upon such terms and conditions and subject to such restrictions and for such period as it thinks fit sell, lease, exchange or otherwise dispose of any land, building or harbour facilities belonging to it which is no longer required by the Council for the purposes of the harbour.

(3) The Council may for the purposes of the harbour undertaking manage, use or develop land belonging to it (whether under its ownership or lease), as it thinks fit.

Power to appropriate parts of the harbour, etc.

7.—(1) Notwithstanding anything in this or any other statutory provision of local application, the Council may from time to time set apart or appropriate any part of the harbour, or any lands, works, buildings, machinery, equipment or other property of the Council in the harbour, for the exclusive, partial or preferential use or accommodation for any particular trade, activity, person, vessel or class of vessels or goods, subject to the payment of such reasonable charges (other than ship, passenger and goods due), and to such terms and conditions, as the Council thinks fit.

(2) No person or vessel shall, otherwise than in accordance with the setting apart or appropriation, make use of any part of the harbour, or any lands, works, buildings, machinery, equipment or other property, so set apart or appropriated without the consent of the harbour master or other duly authorised officer of the Council.

(3) The harbour master or, as the case may be, any such authorised officer may order any person or vessel contravening paragraph (2) to leave or be removed from the site of the contravention.

(4) Section 58 of the 1847 Act shall extend and apply with appropriate modifications to any vessel moored or otherwise positioned in contravention of paragraph (2) above.

(5) In exercising its powers to appropriate or set apart any part of the harbour under paragraph (1), the Council shall have regard to the facilitation of—

- (a) the public right of navigation in the harbour; and

(b) any public rights of way affecting the harbour, such that the Council shall not restrict such rights more than is necessary for the purpose for which the part of the harbour is appropriated or set apart.

Power to lease, etc.

8. The Council may at any time lease or grant the use or occupation of, or any right or interest in, over or relating to, any lands, works, buildings, equipment or other property forming part of the harbour for such period or periods and on such terms and conditions as may be agreed between the Council and the persons taking the same.

Power to dredge

9.—(1) The Council may from time to time deepen, widen, dredge, scour, cleanse, alter and improve the bed and foreshore of the harbour and the seaward approaches thereto.

(2) The Council may use, appropriate or dispose of any material (other than any wreck within the meaning of Part IX of the 1995 Act) from time to time dredged or removed by it from the harbour.

(3) No dredged materials shall be deposited—

- (a) in contravention of the provisions of any enactment as respects the disposal of waste; or
- (b) in any place below the level of mean high water springs except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Ministers.

Restriction of works and dredging

10.—(1) No person other than the Council shall in the harbour—

- (a) construct, place, alter, renew or maintain any works; or
- (b) dredge,

unless that person has contracted with or been licensed by the Council to do so.

(2) Any person who contravenes this article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The Council may by notice require a person who contravenes this article to remove, abate or rectify, within a reasonable time specified in the notice, any work, operation or omission to which the contravention relates and to restore the site thereof to its former condition; and if that person fails to comply with the notice the Council may carry out the works so required and may recover from that person as a debt any expenses incurred by it in doing so.

(4) This article shall not apply in respect of dredging carried out by CMAL, its contractors or agents in the approaches to the railway pier, but before carrying out any dredging in the approaches to the railway pier, CMAL shall consult with the Council.

Parking places

11. The Council may provide facilities within the harbour premises for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting rooms and other conveniences for the use of the public, may delineate parking areas, operate access control systems and may make reasonable charges for the use of such facilities.

Declaration of draught, etc. of vessel

12.—(1) The master of a vessel entering, leaving or intending to enter or leave the harbour shall, if required to do so by the harbour master, state the overall length and maximum draught of their vessel.

(2) The master of a vessel who in response to a requirement under paragraph (1) without reasonable excuse fails to give the information or gives incorrect information shall, without prejudice to any right of the Council to compensation for loss or damage occasioned thereby, be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) For the purposes of this article “draught” in relation to a hovercraft or hydrofoil vessel means its draught when afloat and not supported on a cushion of air or on foils or by any other means and in relation to a seaplane means its draught when afloat.

Provisions as to damage

13.—(1) This article applies to any damage caused to any work or property of the Council in the harbour—

- (a) by any person who contravenes any provision of this Order or any other enactment relating to the harbour; or
- (b) by a vessel, whether or not as a result of any contravention of any such provision.

(2) Where damage to which this article applies has occurred, the Council may detain any vessel which caused the damage, and any other property belonging to or in the charge of the person who caused the damage, or belonging to that person’s employers, until the cost of the damage has been paid or until reasonable security has been given to the Council.

(3) The owner of any vessel causing damage to which this article applies and the master (if it was through their intentional act or failure to act that the damage was done) shall be liable for the cost of the damage.

(4) This article does not affect—

- (a) any right of the owner or master of a vessel to recover the cost of damage from any person whose act, or failure to act, gave rise to the damage;
- (b) any right of the Council under any other enactment, agreement or rule of law; or
- (c) the criminal liability of any person under any provision of this Order, or any byelaw made in relation to the harbour by the Council.

Obstruction of harbour master, etc.

14. Any person who intentionally obstructs the harbour master or any other person carrying out duties under this Order or any enactment relating to the harbour shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Power to enter into arrangements to provide supplies

15. The Council may make arrangements for the purpose of providing and supplying fuel, ice and such other requirements as may be made available to vessels using the harbour and in respect of the supply, laying down and maintaining of pipelines, storage tanks, plants, equipment and other apparatus and the execution of ancillary and necessary works for that purpose within the harbour.

Moorings

16.—(1) The Council may provide, place, lay down, maintain, renew, use or remove such moorings, buoys and similar apparatus within the harbour as it considers necessary or desirable for the convenience of vessels.

(2) The Council may demand, receive and recover in respect of any vessel using any of the moorings provided by the Council under paragraph (1), or moored to land owned or leased by the Council, such reasonable charges as the Council may from time to time prescribe.

(3) The Council may compound with any person with respect to the payment of the charges prescribed under paragraph (2).

(4) The Council may from time to time grant a licence to any person to place, lay down, maintain, renew and use moorings, buoys and similar apparatus for vessels in the harbour.

(5) Any person who, without reasonable excuse, places, lays down, maintains, renews or uses a mooring, buoy or similar apparatus for vessels within the harbour except under and in accordance with the terms and conditions of a licence granted under this article, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) Any licence granted under paragraph (4) shall be valid only for a period of one year, or such longer period as seems to the Council to be desirable in the circumstances, commencing with the date on which it takes effect.

(7) The Council may charge a reasonable fee for the grant of a licence under this article.

Removal of obstructions other than vessels, vehicles or wreck

17.—(1) The Council may remove anything which is causing or likely to become an obstruction or impediment to the proper use of any part of the harbour other than—

(a) a vessel or vehicle; or

(b) a wreck within the meaning of Schedule 11ZA of the 1995 Act.

(2) If anything removed by the Council under paragraph (1) is known to the Council to be, or is so marked as to be readily identifiable as, the property of any person, the Council shall within one month of its coming into its custody give notice, in accordance with paragraph (6), to that person and if possession of the thing is not retaken within the period specified in, and in accordance with the terms of, the notice it shall at the end of that period become the property of the Council.

(3) If the ownership of anything removed by the Council under paragraph (1) is not so known or marked and the ownership cannot within 3 months of its coming into the custody of the Council be proved to the Council's reasonable satisfaction, it shall become the property of the Council.

(4) The Council may at such time and in such manner as it thinks fit dispose of anything which is of a perishable or obnoxious nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in the Council under this article, and if it is sold the proceeds of sale shall be applied by the Council in payment of the expenses incurred by it under this article in relation to the thing, and any balance—

(a) shall be paid to any person who within 3 months from the time when the thing came into custody of the Council proves to its reasonable satisfaction that such person was the owner thereof at that time; or

(b) if within the said period no person proves ownership at the said time, shall become the property of the Council.

(5) If anything removed under this article—

(a) is sold by the Council and the proceeds of sale are insufficient to reimburse it for the amount of the expenses incurred in the exercise of its powers of removal; or

(b) is unsaleable,

the Council may recover the deficiency or the whole of the expenses, as the case may be, from the person who was the owner when the thing removed came into the custody of the Council or who was the owner at the time of its abandonment or loss.

(6) A notice given under paragraph (2) shall specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of the Council, possession may be retaken at a place specified in the notice within the time specified therein, being not less than 14 days after the date when the notice is served.

(7) The Council shall not under the powers of this article move anything placed or constructed by any person under the provisions of any enactment or of a consent or licence.

Power to remove goods

18.—(1) If any goods are left on or in any part of the harbour premises the Council may require the owner of the goods to remove them; and if the goods are not so removed within six hours after such requirement the Council may cause them to be removed to the Council or any other public warehouse or store; and such removal shall be carried out at the expense and risk of the owner.

(2) Notwithstanding such removal on behalf of the Council, the goods shall be subject to a lien for the cost of removal, and for any charges payable to the Council by the owner in respect of the goods under Part 4 of this Order.

Publication of Council's annual statement of accounts

19. The Council shall prepare an annual statement of accounts as at the end of each financial year. As soon as reasonably practicable after their annual statement of accounts is prepared, the Council shall make a copy of it available, for a period of three months from the date of the preparation, at the offices of the Council's accountants for inspection free of charge by members of the public and shall, subject to the payment of a reasonable charge, supply a copy of the statement to any person who requests to be supplied with a copy.

PART 3

Harbour Regulations

Byelaws

20.—(1) The Council may from time to time make byelaws for the efficient management and regulation of the harbour.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this article may provide for—

- (a) regulating the use, operation and superintendence of the harbour and the docks, berths, wharves, quays, piers, jetties, landing places, equipment, works and conveniences (including moorings);
- (b) regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods, including marine creatures of any type, within the harbour;
- (c) preventing damage or injury to any vessels, goods, vehicles, plant, machinery, property or persons within the harbour;
- (d) regulating the conduct of all persons in the harbour not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;
- (e) preventing and removing obstructions or impediments within the harbour;
- (f) regulating the holding of regattas and other public events in the harbour;
- (g) regulating or prohibiting the activities in the harbour of divers, surfers, water skiers and other persons engaged in similar recreational pursuits;
- (h) prohibiting persons in or entering the harbour, or any part thereof, from smoking therein;
- (i) regulating the movement and parking of vehicles within the harbour;
- (j) regulating the exercise of the powers vested in the harbour master, as provided for in the 1847 Act, this Order and any other relevant enactment;
- (k) regulating the hours during which any gates, entrances or outlets to or from the harbour or any part of the harbour shall be open;
- (l) prohibiting or regulating the discharge or deposits of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) into or upon the harbour;
- (m) regulating the use of cranes, weighing machines, weights and measures belonging to the Council, and the duties and conduct of weighers and meters employed by the Council;
- (n) regulating or preventing the use of fires and lights within the harbour;

- (o) the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features; and
 - (p) the conservation, preservation or redevelopment of any buildings, plant or other artificial features of the harbour of historic or architectural significance.
- (3) Byelaws made under this article may—
- (a) provide for imposing upon persons found guilty on summary conviction of offending against them, or against any condition, requirement or direction imposed, made or given thereunder on summary conviction, fines not exceeding level 3 on the standard scale;
 - (b) relate to the whole of the harbour or harbour premises, or to any part thereof; or
 - (c) make different provisions for different parts of the harbour or harbour premises, or in relation to different classes of vessels.
- (4) Existing byelaws in respect of the harbour will remain in place as if they had been made under this order.

Confirmation of byelaws

21.—(1) Byelaws made by the Council under this Order shall not come into operation until they have been confirmed by the Ministers.

(2) At least one month before an application for confirmation of byelaws is made by the Council to the Ministers, notice of the intention to apply for confirmation and of the place at which and times during which a copy of the byelaws shall be open to inspection shall be published as follows—

- (a) once in the Edinburgh Gazette; and
- (b) once in each of two successive weeks in a newspaper circulating in the area in which the harbour is situated.

(3) During a period of at least one month before application is made for confirmation of the byelaws, a copy of the byelaws shall be kept by the Council at the principal office of the Council and at the harbour office and will be available for inspection without payment.

(4) The Council shall supply a copy of the byelaws or of part of the byelaws to a person who shall apply for it.

(5) During the period of one month after the date of first publication of any notice required by paragraph (2), any person may make in writing to the Ministers any objection to or representation respecting the byelaws to which the notice relates.

(6) Subject to paragraph (7), the Ministers may confirm the byelaws in the form submitted to them with such modifications as they think fit or may refuse to confirm them.

(7) Where the Ministers propose to make a modification that appears to them to substantially affect the character of the byelaw they shall inform the Council and require it to take any steps the Ministers consider necessary for informing persons likely to be concerned with the modification, and the Ministers shall not make decision under paragraph (6) until such period has elapsed as the Ministers think reasonable for consideration of, and comment upon, the proposed modification by the Council and by other persons who have been informed of it.

(8) In making a decision under paragraph (6) the Ministers shall have regard to any comments that may have been received under paragraph (7).

(9) A copy of the byelaws when confirmed shall be printed and deposited by the Council at the principal office of the Council and shall at all reasonable hours be open to public inspection without payment, and a copy of the byelaws shall on application be furnished to any person on request.

General directions to vessels

22.—(1) The Council may, after consultation with the Royal Yachting Association, the UK Chamber of Shipping, CMAL, the Commissioners of Northern Lighthouses, the Maritime and

Coastguard Agency and such other persons as the Council considers are representative of users of the harbour, give directions for any of the following purposes—

- (a) designating areas, routes or fairways in the harbour which vessels are to use, or refrain from using for movement, mooring or anchorage;
 - (b) securing that vessels move only at certain times or during certain periods;
 - (c) securing that vessels make use of descriptions of aids to navigation specified in the direction;
 - (d) prohibiting entry into or navigation within any of the main fairways during any temporary obstruction thereof;
 - (e) requiring the master of a vessel entering, leaving or intending to enter or leave the harbour to state the length overall and draught maximum of their vessel;
 - (f) prohibiting entry into or movement in the harbour by vessels at times of poor visibility due to the weather or to the presence of dust or smoke provided that no such direction shall prevent the entry into the harbour or the approaches of any vessel seeking refuge from stress of weather;
 - (g) regulating the navigation, berthing, mooring and speed of vessels within the harbour;
 - (h) regulating the navigation, berthing, mooring, speed and movement of vessels within the harbour engaged in regattas and other public events in the harbour;
 - (i) specifying the precautions to be taken in respect of apparatus, machinery and equipment;
 - (j) prohibiting or restricting use of fires or lights;
 - (k) regulating the admission to, and the movement within, and the departure of vessels from, the harbour, or the removal of vessels, and for the good order and government of vessels whilst within the harbour;
 - (l) regulating the use of ferries within the harbour;
 - (m) regulating the use within the harbour of yachts, sailing boats, sailboards, rowing boats, rowing punts, pleasure craft, personal watercraft, tugs and other small craft;
 - (n) regulating the launching of vessels within the harbour; and
 - (o) making the carrying out of specified harbour operations, or the conduct of persons in the harbour, subject to the approval (with or without conditions), control or direction of the harbour master, and authorising the harbour master to take such action as may be reasonably required in default of compliance with any such condition, control or direction.
- (2) A general direction under this article may apply—
- (a) to all vessels or to a class of vessels designated, or for which the designation is provided for, in the direction;
 - (b) to the whole of the harbour or to a part designated, or for which the designation is provided for, in the direction; or
 - (c) at all times or at times designated, or for which the designation is provided for, in the direction,

and every direction under this article shall specify the extent of its application in relation to the matters referred to in sub-paragraphs (a), (b) and (c).

(3) The Council may after consultation with the Royal Yachting Association, the UK Chamber of Shipping, CMAL, the Commissioners of Northern Lighthouses, the Maritime and Coastguard Agency and such other persons as the Council considers are representative of users of the harbour revoke or amend any general direction.

Publication of general directions

23.—(1) Except in an emergency, the Council shall publish notice of the giving of a general direction and of any amendment or revocation of a general direction as soon as practicable once in a newspaper circulating in the locality of the harbour, and on a website maintained by the Council,

and, if the notice relates to the giving or amendment of a general direction, the notice shall state a place at which copies of the general direction or the amended general direction (as the case may be) may be inspected.

(2) In an emergency, notice of the giving of a general direction or of the amendment or revocation of a general direction may be given in any manner considered by the Council to be appropriate.

Special directions to vessels

24.—(1) The harbour master may give a special direction under this article—

- (a) requiring a vessel anywhere within the harbour to comply with a requirement made in or under a general direction;
- (b) regulating the time at which, the manner in which and speed at which a vessel shall enter into, go out of, move within or lie in or at the harbour;
- (c) for securing that a vessel move only at certain times or during certain periods;
- (d) prohibiting the mooring of a vessel in any particular part or parts of the harbour;
- (e) regulating or requiring the movement, mooring or unmooring of a vessel;
- (f) regulating the manner in which a vessel takes in or discharges (from ship to shore or shore to ship or ship to ship) passengers, cargo, fuel, water, ship's stores or ballast in the harbour; and
- (g) requiring the removal from any part of the harbour of a vessel if—
 - (i) it is on fire;
 - (ii) it is in such condition as to be liable to become immobilised or waterlogged, or to sink, or to constitute a danger to life (including wildlife) or property;
 - (iii) it is making an unlawful use of the harbour or interfering with the reasonable use or enjoyment of the harbour by other vessels or persons; or
 - (iv) its removal is necessary to enable maintenance or repair work to be carried out at harbour premises or to premises adjacent thereto.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) The harbour master may revoke or amend a special direction.

Failure to comply with directions

25.—(1) A person who fails without reasonable excuse to comply with a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) A person who fails without reasonable excuse to comply with a general direction, or who breaches an approval, condition or requirement of a general direction, is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Enforcement of special directions

26.—(1) Without prejudice to any other remedy available to the Council, if a special direction is not complied with within a reasonable time, the harbour master may, where practicable, put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no-one on board a vessel to comply with a special direction, the harbour master may proceed as if the direction had been given and not complied with; but the harbour master shall not do so unless, after reasonable enquiry has been made, the master of the vessel cannot be found.

(3) Reasonable expenses incurred in the exercise of the powers conferred by this article shall be recoverable by the Council from the owner of the vessel as if they were a charge of the Council in respect of the vessel.

Master's responsibility in relation to directions

27. The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to that vessel, persons on board, its cargo or any other person or property.

Vessels adrift

28.—(1) The owner or master of a vessel adrift in the harbour shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) It shall be a defence for the owner or master of a vessel charged with an offence under paragraph (1) to prove that the vessel did not become adrift as the result of any neglect or default on the part of that person.

Boarding of vessels

29. The harbour master may enter and inspect a vessel in the harbour, subject to producing their authority where requested—

- (a) for the purposes of any enactment relating to the Council or of any byelaw of the Council relating to its functions as the harbour authority in respect of the harbour undertaking, including the enforcement thereof; or
- (b) to prevent or extinguish fire,

but, except in an emergency, no entry shall be made under this article without prior written notice first having been given to the owner or the person appearing to have charge of the vessel, at least 24 hours in advance; and the written notice shall have annexed to it a copy of this article.

PART 4

Financial provisions

Charges other than ship, passenger and goods dues

30.—(1) The Council may demand, take and recover in respect of any dracone or floating dock, crane, rig, drilling rig or floating plant, which is not a ship as defined by section 57 of the 1964 Act, entering, using or leaving the harbour such reasonable charges as it thinks fit, and sections 30 and 31 of that Act shall with any necessary modifications apply to the charges authorised by this paragraph as they apply to ship, passenger and goods dues.

(2) The Council may make such reasonable charges for services and facilities provided by it or on its behalf in relation to the harbour as it may from time to time determine.

(3) In paragraph (2) “charges” does not include ship, passenger and goods dues as defined by section 57 of the 1964 Act.

Liability for charges

31.—(1) Charges payable to the Council on or in respect of—

- (a) a vessel, shall be payable by the owner or master of the vessel; and
- (b) goods, shall be payable by the owner, consignee or shipper of the goods.

(2) Where a charge payable to the Council may be recovered from more than one person the persons from whom it is recoverable shall be jointly and severally liable.

Power to grant exemptions, rebates, etc., in respect of charges

32.—(1) The Council may confer total or partial exemptions from, allow rebates to or make compositions with any person with respect to charges, and may vary or extinguish any such exemption or composition.

(2) Nothing in section 30 of the 1964 Act shall require the Council to include in the list of ship, passenger and goods dues kept at the harbour office, as required by subsection (1) of that section, charges reduced by a rebate allowed on, or subject to a compounding arrangement in respect of, a due included in the said list.

Account of goods

33.—(1) When goods are to be unshipped within the harbour the master of the vessel containing them shall—

- (a) within 12 hours of the arrival of the vessel within the harbour, deliver to the harbour master the name of the consignee of the goods and a copy of the bill of lading or manifest or, if part only of the cargo is to be unshipped, a sufficient account in writing of the goods to be unshipped; and
- (b) if required so to do by the harbour master, give to the harbour master 12 hours' notice of the time at which any such goods are to be unshipped.

(2) If any difference arises between the harbour master and a master or the owner of goods or consignee concerning the weight or quantities of goods in respect of which charges may be payable, the harbour master may cause the goods to be weighed or measured and may detain a vessel containing such goods until the goods have been so weighed or measured.

(3) Any person who contravenes or fails to comply with the provisions of paragraph (1)(a) or (2), or with any requirement made under paragraph (1)(b), shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Security for charges

34. The Council may require a person who incurs or is about to incur a charge to deposit with it, or to guarantee, such sum of money as is, in the opinion of the Council, reasonable having regard to the amount or probable amount of the charge, and where such a person fails to deposit or guarantee the sum of money required the Council may detain the vessel in the harbour or goods on or in harbour premises, in respect of which the charge has been or will be incurred, until the requirement has been complied with or the charge paid.

Liens for charges

35.—(1) A person who by agreement with the Council collects charges on its behalf and who pays or gives security for the payment of charges on goods in that person's possession shall have a lien on those goods for the amount paid or security given in respect of the amount.

(2) A wharfinger or carrier who is not liable for the payment of charges may pay or by agreement with the Council give security for charges on goods in its custody, and in that event it shall have a like lien on the goods for the amount of those charges as it would have in respect of its charges for safe custody or carriage of the goods, as the case may be.

Refusal to pay charges for landing place, etc.

36. The Harbour Master may prevent a vessel from using a landing place or any other facilities provided by the Council, if the master of the vessel refuses to pay the charges for such use.

Exemptions from charges

37.—(1) Except in so far as may be agreed between the Council and the government department or person concerned or as may be specifically laid down by statute, nothing in any enactment authorising the Council to levy charges shall extend to authorise it to levy charges on—

- (a) a vessel—
 - (i) belonging to or in the service of His Majesty or any member of the Royal Family;
 - (ii) in the service of the Commissioners of Customs and Excise and not carrying goods for reward;
 - (iii) in the service of the Commissioners of Northern Lighthouses and not carrying goods for reward; or
 - (iv) belonging to or used by the lifeboat service whilst employed in or in connection with the functions of that service;
- (b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;
- (c) troops landed at the harbour premises or a person employed by the Secretary of State for Defence while in the execution of their duty; or
- (d) goods or stores belonging to the Secretary of State for Defence.

(2) Officers of the Department for Transport and of the Ministers in the execution of their duty shall at all times be exempt from charges in respect of their vessels and otherwise.

(3) This Order shall not extend to subject any person to liability for charges in respect of a vessel which merely passes through the limits of the harbour without mooring or making use of any facilities provided by the Council.

Conditions as to payment of charges

38.—(1) Charges shall be payable subject to such terms and conditions as the Council may from time to time specify in its published list of charges.

(2) Without prejudice to the generality of paragraph (1) the terms and conditions may prescribe the time when a charge falls due for payment and may require such information to be given to the Council by the owner or master of a vessel or a person using a service or facility of the Council as the Council may require in connection with the assessment or collection of a charge.

Reserve funds

39.—(1) If in respect of any financial year the moneys received by the Council on account of the revenue of the harbour undertaking exceed the moneys expended or applied by it in respect thereof, the Council may in respect of that year carry to the credit of a reserve fund in respect of the harbour undertaking such a sum as it considers reasonable not exceeding the amount of such excess.

(2) Moneys for the time being standing to the credit of the reserve fund may be invested in any securities in which officers are for the time being authorised to invest moneys including debenture stock or other security created by the Council.

(3) Any reserve fund provided under this article may be applied—

- (a) in making good to the regional rate fund any deficiency at any time arising in the income of the Council from the harbour undertaking;
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of the harbour undertaking;
- (c) in defraying any expenditure in connection with the harbour undertaking for which capital is properly applicable or in providing money for repayment of loans;
- (d) in defraying expenditure to be incurred from time to time in repairing, maintaining, replacing and renewing buildings, works, plant, vessels, equipment or articles forming part of the harbour undertaking; or

- (e) for any purpose which in the opinion of the Council is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea to or from the harbour.

(4) The Council may exercise the powers of this article so as to provide a combined reserve fund in respect both of the harbour undertaking and any other similar undertaking relating to any other harbour in respect of which the Council is the harbour authority, and the foregoing provisions of this article as to a reserve fund shall apply with all necessary modifications to any such combined reserve fund.

(5) Any monies held in any combined reserve fund referred to in paragraph 4 may be applied for the purposes of any of the Council's harbour undertakings.

PART 5

Miscellaneous

Saving for Commissioners of Northern Lighthouses

40. Nothing in this Order shall prejudice or derogate from any of the rights, duties or privileges of the Commissioners of Northern Lighthouses.

Saving for CMAL and ferry operator

41.—(1) Nothing in this order shall prejudice or derogate from any of the rights, duties, or privileges of CMAL.

(2) Where any exercise by the Council of its powers under article 5 (power to maintain etc. the harbour), article 9 (power to dredge), article 20 (byelaws) or article 22 (general directions to vessels) is likely to impact materially on the regular operations of CMAL or the ferry operator within the harbour limits in connection with the operation of the relevant ferry services, within the harbour limits, the Council shall, prior to exercising such powers, consult with CMAL and the ferry operator and shall have due regard to any representations made by CMAL and/or the ferry operator.

Crown rights

42.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to that generality, nothing in this Order authorises the Council to take, use, enter upon or in any manner interfere with any land or any rights of whatsoever description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to His Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of Crown Estate Scotland;
- (b) belonging to His Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having management of that land or (as the case may be) the relevant person; or
- (c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and shall be deemed to have been given in writing where it is sent electronically.

Repeals and revocations

43. The enactments mentioned in the first and second columns of the Schedule are repealed or revoked to the extent specified in the third column of that Schedule.

SCHEDULE

Article 43

Repeals

<i>Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
c. li	Pier and Harbour Orders Confirmation Act 1862	The entire Act insofar as applicable to the harbour.
c. xciii	Pier and Harbour Orders Confirmation Act 1864	The entire Act insofar as applicable to the harbour.
c. clxxvii	Piers and Harbour Orders Confirmation (No.5) Act, 1896	Articles 2, 4-28, 30-59 and First and Second Schedules in so far as applicable to the harbour.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order updates the existing legislation for Oban harbour in line with the current needs of Argyll and Bute Council as the harbour authority for Oban harbour and Oban harbour users from the date it comes into force.

The Order defines the harbour limits and confers updated powers on the Council, including powers to lease and powers as regards the making of byelaws and issuing of general and special directions.

Oban Bay Harbour Revision Order Harbour Limits Plan

The Council shall exercise jurisdiction as a harbour authority within which the powers of the Harbour Master are exercisable. The Harbour Jurisdictional coastal and internal limits defined as below Mean High Water Springs (MHWS). The External Limits are defined as the area enclosed by -

(a) In the south, a straight line across Kerrera Sound from:

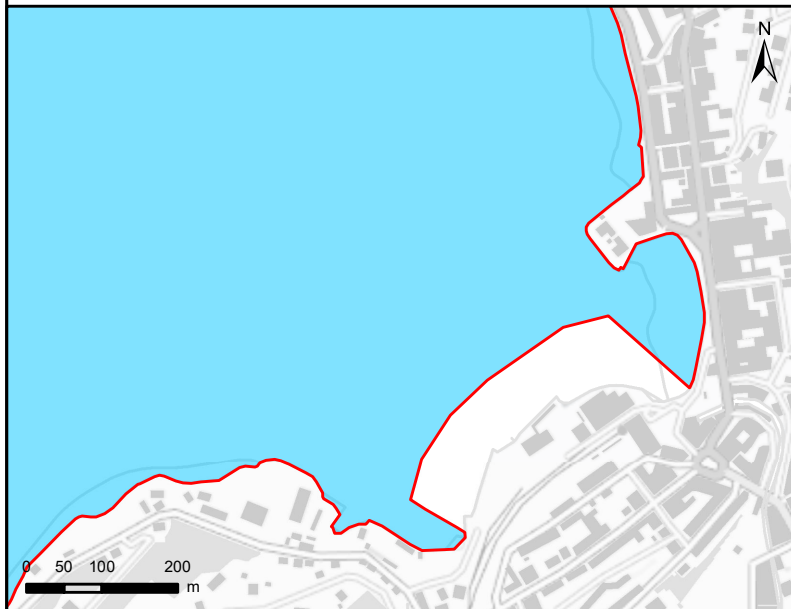
Point	Easting	Northing
1	183320	728235
2	182932	728565

(b) In the north, straight lines joining the positions:

Point	Easting	Northing
3	184103	731226
4	183223	731271
5	183249	731787
6	184025	732862
7	184744	732825
8	185279	732259

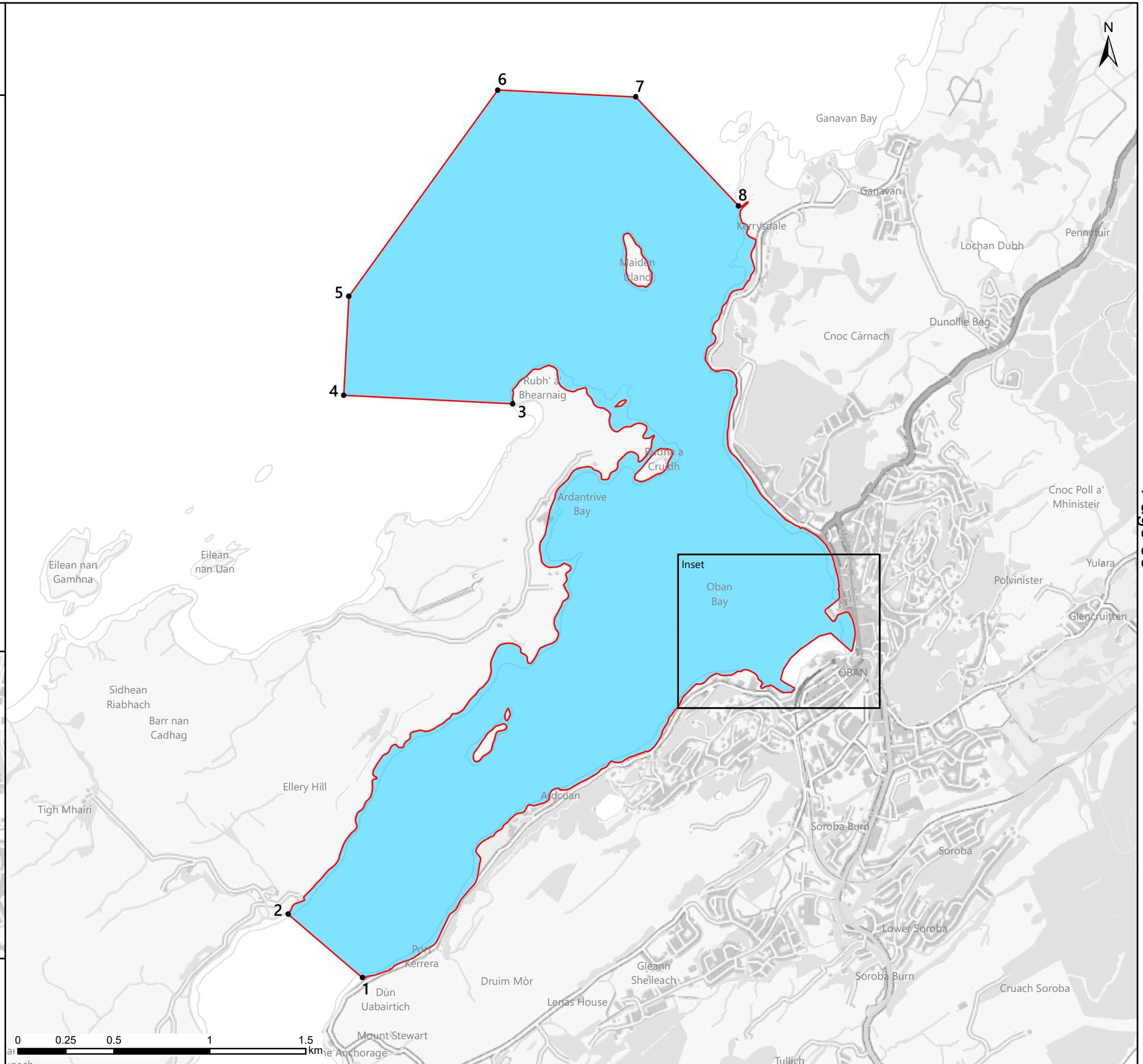
Coordinates in OSGB36 / British National Grid.

© Contains OS data © Crown copyright and database right, 2023.



Harbour Office
North Pier
Oban
Argyll
PA34 5NH

Date: 20/06/2023
1:20,000 @ A3
Map Projection:
British National Grid



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NOTE ON AMENDMENTS TO THE OBAN HARBOUR REVISION ORDER BETWEEN SEPTEMBER 2022 AND AUGUST 2023

1 Introduction

- 1.1 Since September 2022 Argyll & Bute Council ("the Council") has engaged in informal pre-application consultation with, amongst other bodies, Transport Scotland, the Northern Lighthouse Board, CMAL and the Oban Community Harbour Development Association, in respect of the proposed harbour revision order ("the Order") for Oban harbour ("the Harbour"). As a result, the Council, with external legal support, has amended the draft Order.
- 1.2 The material changes made to the draft Order as a result of the informal consultation process are set out in this note. This note does not include those changes made for clarity or drafting reasons, or which are technical in nature.
- 1.3 It should also be noted that the order of provisions within the draft Order has changed. This note does not refer to any changes in the order of the provisions.

2 Material changes

- 2.1 **Limits of the Harbour (article 4)** – the limits of the Council's jurisdiction as harbour authority for the Harbour are now narrated within article 4 of the draft Order rather than being placed in a Schedule. Article 4 now states that the Council will not exercise jurisdiction over the railway pier, in respect of which CMAL is the harbour authority. However, this provision merely clarifies the existing position and does not reflect a substantive change.
- 2.2 **General powers of the Council (article 5)** – this provision has been amended to provide in greater specificity the general powers of the Council to manage the Harbour and is modelled on recent harbour orders conferring powers on harbour authorities.
- 2.3 **Harbour Master (article 5 of the original draft Order)** – this provision has been removed as the draft Order now incorporates provisions of the Harbours, Docks and Piers Clauses Act 1847 allowing it to appoint a harbour master.
- 2.4 **Restriction of works and dredging (article 10)** – article 10(1) has been amended to allow for persons who have been licensed by the Council, as well as contracted, to undertake works and/or dredging. Provision has been made at article 10(4) to the extent that CMAL's contractors are not bound by the restriction on dredging in the approaches to the railway pier, but prior to carrying out any such operations it must consult with the Council.
- 2.5 **Parking places (article 11)** – a new article 11 has been added allowing the Council to provide facilities within the Harbour for parking vehicles and to provide infrastructure and make charges for the use of the same.

- 2.6 **[Publication of Council's annual statement of accounts (article 19)** – a new article 19 has been added to require the Council to provide an annual statement of accounts in respect of the Harbour. This is in accordance with the provisions of the Harbours Act 1964.]
- 2.7 **Byelaws (article 20)** – this article has been consolidated to remove powers which are already contained within article 22 of the draft Order (General directions to vessels).
- 2.8 **General directions to vessels (article 22)** – this article now includes further provisions giving the Council greater powers to give general directions regulating the navigation and movement of vessels within the Harbour; the use of yachts, sailing boats, pleasure craft and other small craft within the Harbour; and the carrying out of specified harbour operations or conduct of persons in the Harbour. The article has also been amended to require consultation with the UK Chamber of Shipping, CMAL, the Commissioners of Northern Lighthouses, the Maritime and Coastguard Agency and other persons such as the Council considers are representative of users of the Harbour in respect of such general directions, as well as the Royal Yachting Association.
- 2.9 **Failure to comply with directions (article 25)** – it is now an offence for a person to fail to comply with a general direction as well as a special direction.
- 2.10 **Recovery of charges by seizure (article 33 of the original draft Order)** – this provision has been removed as the draft Order now incorporates provisions of the Harbours, Docks and Piers Clauses Act 1847 which grants the Council such powers.
- 2.11 **Saving for CMAL and ferry operator (article 41)** – provisions exempting vessels operated by the ferry operator in connection with the relevant ferry services have been removed. In addition, the provision providing that the Council cannot levy ship, passenger or goods dues in respect of any vessel entering the Council's jurisdiction solely to take access to and from the railway pier have been deleted in order to allow the Council to make such charges where appropriate.

Argyll and Bute Council Harbour User Consultative Forums

Terms of Reference: Oban Harbour

Our vision is to work collaboratively for a safe, sustainable, inclusive and accessible harbour for communities, businesses and visitors whilst promoting equality, tackling climate change and supporting a thriving economy.

1. Document Purpose

- 1.1 The purpose of this document is to set out the arrangements for the consultation and stakeholder engagement framework which Argyll and Bute Council (ABC) will put in place in regard to the operational arrangements for Oban Municipal Harbour Authority. These proposals will effectively replace the Oban Bay Management Group and the various Port User and Safety groups which are in place or were in place previously.
- 1.2 These Terms of Reference will be shared with the Oban Bay Management Group (OBMG) for their consideration. Feedback from the OBMG will form part of a report to the Harbour Board who will be asked to consider and agree the final terms of Reference for the Municipal Harbour Board.

2. Oban Harbour – Strategic Purpose

- 2.1 Oban Harbour is a strategic marine transport hub used for commercial shipping, ferry traffic to numerous islands, tourism and recreational use. The safe and effective use of Oban Harbour will be managed by the council through its Harbour Board, in line with the Council's other ports and harbours. The Council welcomes stakeholder involvement and the proposals for this involvement is set out below.

3. The Guide to Good Practice on Port Marine Operations (Port Marine Guide to Good Practice DfT Feb 2018)

- 3.1 The Guide to Good Practice on Port Marine Operations states: *'Safety in the port marine environment is not just a matter for the organisation, its officers, contractors or its authorised pilots. Users are also required to minimise risk to themselves and others, in doing so they must be able to put forward to the organisation their views on the development of appropriate safety policies and procedures.'*
- 3.2 *It follows therefore that organisations need to consult, as appropriate with two main groups: marine users, both commercial and leisure, and local interests and communities.*
- 3.3 *Port marine operations are technical matters – well understood by experienced harbour masters or port marine practitioners, but perhaps much less so by the wider public, including many recreational users. It is important that the appropriate involvement of wider interests safeguards the organisations position – responsibility for managing safety in a harbour rests with the organisation.'*

4. Stakeholder Engagement

- 4.1 Argyll and Bute Council (ABC) is currently the Harbour Authority for the area around North Pier, Oban, and will become the Municipal Harbour Authority for the wider Oban Harbour, subject to Scottish Ministers approving the Harbour Revision Order (HRO) which has been submitted to Transport Scotland. In addition to ABC three other organisations: Caledonian Marine Assets Ltd (CMAL), CalMac Ferries Ltd (CFL) and Northern Lighthouse Board (NLB) have financial and legal responsibility for the management of parts of Oban Bay
- 4.2 The day to day management of the Harbour will require close working co-operation and communication between these organisations and this shall be formalised for transparency in a management co-ordination forum. It is also important that all stakeholders, interested bodies, communities and users of Oban Harbour have participation in how the harbour is used and managed.
- 4.3 In order to ensure good and effective communication Argyll and Bute Council therefore proposes to create two forums, the minutes of these forums being reported to the Council's Harbour Board who, along with the Duty Holder, have a strategic overview of the Council's marine assets and operations. The formal governance of the Council's marine assets is covered in the Council's Constitution.
- 4.4 The Terms of Reference and invitees of the two forums will be reviewed on an annual basis. The two consultative forums being:

1. **Oban Harbour User Consultative Forum** – this forum to be open to all stakeholders including: leisure, fishing fleet, commercial, cruise ship agents/companies, Island communities, community councils, and the organisations listed in 2 below.

The forum will be chaired by the Council's Harbour Master with secretarial support from the Council's Roads and Infrastructure team. Minutes will be produced in accordance with the Council's standard practice for minutes and published on the Council web site and also reported to the Council's Harbour Board.

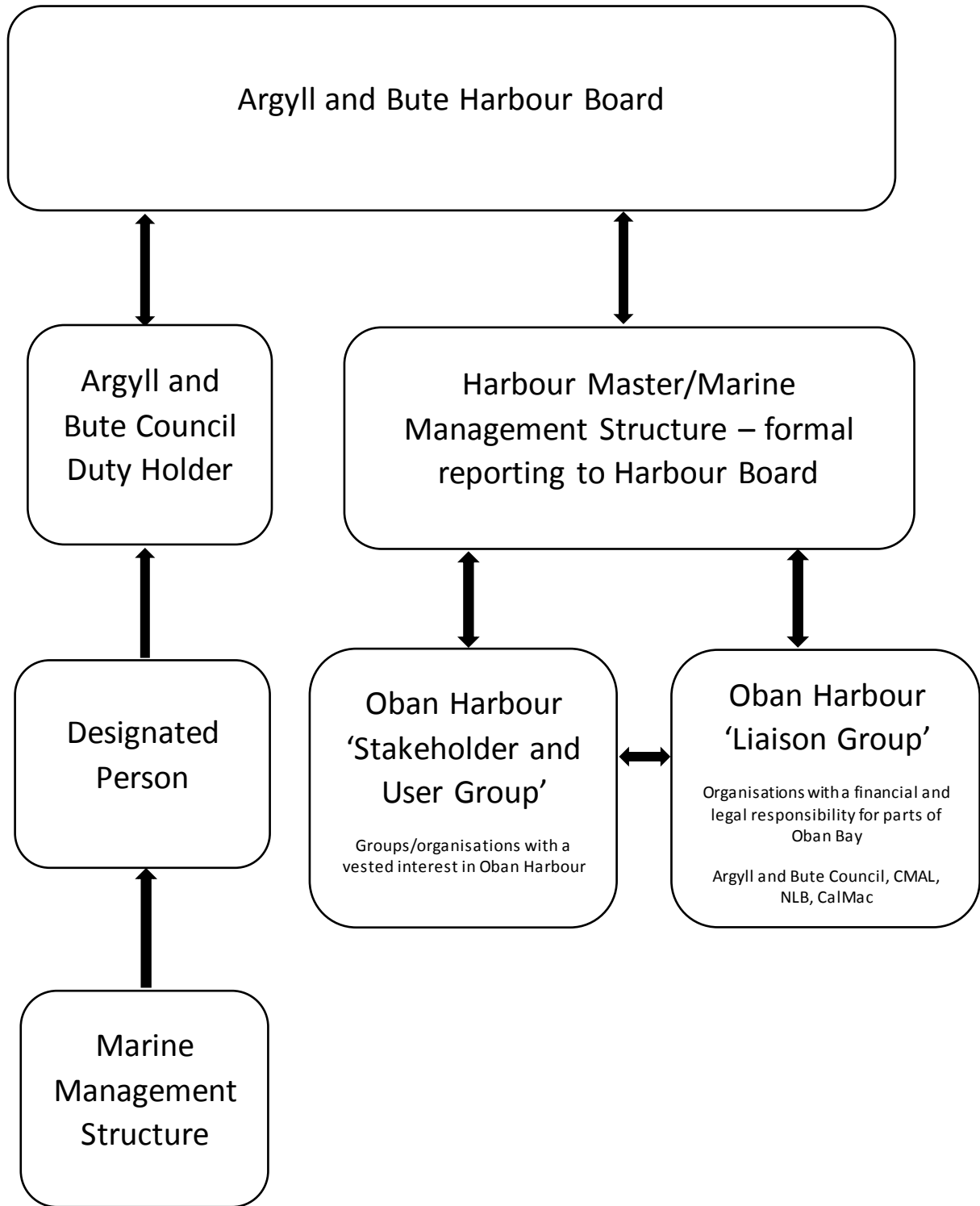
The meetings will be held virtually by MS Teams to facilitate attendance by all interested parties, including those located remotely from Oban.

2. **Oban Harbour Management Co-ordination Forum** – This forum to be open to the organisations with financial and legal responsibility for the management of parts of Oban Bay, currently these being: Argyll and Bute Council, Northern Lighthouse Board, Caledonian Marine Assets Ltd (CMAL) and CalMac Ferries Ltd (CFL).

The forum will be chaired by a senior officer of the Council with secretarial support from the Council's Roads and Infrastructure team. Minutes will be produced in accordance with the Council's standard practice for minutes and published on the Council web site and also reported to the Council's Harbour Board.

The meetings will be held virtually by MS Teams or face to face, to be agreed by the chair.

The detail of the two forums and their relationship is set out below:



Forum 1 - Oban Harbour User Consultative Forum

The Oban Harbour User Consultative Forum will be chaired by the Argyll and Bute Council Oban Harbour Master. The forum will meet a minimum of twice a year but as frequently as is deemed necessary to achievement of objectives or if specific issues arise. The forum through the chair will determine the meeting frequency.

Argyll and Bute Council reserve the right to not involve the forum in the instances where emergency action is required or there are commercial or other confidences involved. Matters to be raised by stakeholders to be notified to the secretarial 5 working days prior to the meeting.

The forum will co-ordinate user and stakeholder input with objectives being to provide a form for:

- Discussion on Navigational Safety. Review Incidents, accidents, 'Aids to Navigation' and improvement ideas. Review and provide input for Risk Assessments.
- Discussion on Health, Safety and Environment. Raise and discuss harbour relevant issues.
- To consult and communicate with constituted Community Council groups about the needs of the community and the options available to the public bodies for delivering infrastructure and services which will meet community needs, are affordable, deliverable and be fit for purpose.
- To provide and co-ordinate users and community feedback to Argyll and Bute Council's Harbour Board as the Statutory Authority Organisation.
- The review of the terms for harbour use and the communication and consultation for planned works.

The forum will meet a minimum of twice a year and in addition to that will be convened more frequently as is deemed necessary by the Chair to ensure progress and achievement of objectives

Proposed fixed agenda items:

1. **Attendees:** Welcome and introductions.
2. **Previous Minutes:** Accept and approve.
3. **Questions – opportunity to raise any** issues (issues to be notified at least 5 days prior to the meeting to enable comprehensive answers to be supplied).
4. **Navigational Safety:** Incidents, accidents, 'Aids to Navigation' and improvement ideas. Notices to Mariners, Review selected Risk Assessments.
5. **Health, Safety and Environment:** Harbour relevant issues raise and discuss.
6. **Harbour Development:** Terms of Harbour use and any plans for works.
7. **Engagement and Communication:** Review the means and methods of information sharing and feedback.
8. **Planned events within or near the Harbour limits**
9. **Moorings and infrastructure matters**
10. **Next meeting:** Set or provisional date of next forum meeting.

Date Last Updated: March 2023

Forum 2 - Oban Harbour Management Co-ordination Forum

The Oban Harbour Management Co-ordination Forum is to open to the organisations with a financial and management responsibility for operating parts of Oban Bay, currently these being: Argyll and Bute Council, Northern Lighthouse Board, Caledonian Marine Assets Ltd (CMAL), CalMac Ferries Ltd (CFL).

The Oban Harbour User Consultative Forum will be chaired by a senior officer of the Council. The forum will meet a minimum of twice a year but as frequently as is deemed necessary to achievement of objectives or if specific issues arise. The forum through the chair will determine the meeting frequency. Argyll and Bute Council reserve the right to not involve the forum in the instances where emergency action is required or there are commercial or other confidences involved. Matters to be raised by stakeholders to be notified to the secretarial 5 working days prior to the meeting.

The objectives of this forum being to provide a forum:

- For discussion on Navigational Safety. Review Incidents, accidents, 'Aids to Navigation' and improvement ideas. Review and provide input for Risk Assessments.
- For discussion on Health, Safety and Environment. Raise and discuss harbour relevant issues.
- To consult and communicate across the organisations who have financial and legal responsibility for the management of parts of Oban Bay.
- To provide and co-ordinate users and community feedback to Argyll and Bute Council's Harbour Board as the Statutory Authority Organisation.
- For the review of the terms for harbour use and the communication and consultation for planned works.
- To co-ordinate works, promote collaboration and joint working.
- For discussion of any other relevant issues pertaining to the operations within the harbour of the stakeholders

The forum will meet a minimum of twice per year and in addition to that will be convened more frequently as is deemed necessary by the Chair to ensure progress and achievement of objectives

Proposed fixed agenda items:

1. **Attendees:** Welcome and introductions.
2. **Previous Minutes:** Accept and approve.
3. **Updates from organisations**
4. **Navigational Safety:** Incidents, accidents, 'Aids to Navigation' and improvement ideas. Review selected Risk Assessments., Notices to Mariners
5. **Health, Safety and Environment:** Harbour relevant issues raise and discuss.
6. **Harbour Development:** Terms of Harbour use and any plans for works.

7. **Engagement and Communication:** Review the means and methods of information sharing and feedback.
8. **Joint working and collaboration opportunities**
9. **Next meeting:** Set or provisional date of next forum meeting.

Date Last Updated: March 2023

Date of Next Review: March 2024

ARGYLL AND BUTE COUNCIL**ARGYLL AND BUTE HARBOUR BOARD****ROADS AND INFRASTRUCTURE SERVICES****31st AUGUST 2023**

PORT MARINE SAFETY CODE

1.0 INTRODUCTION

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

2.0 RECOMMENDATIONS

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

3.0 PMSC Reporting Cycle

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

1. Duty Holder

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

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

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

3.8.1

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

4.0 Policy Statements

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

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

They are attached to this report as:

4.1.1 Marine Conservancy & Hydrographic Policy (appendix A)

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

4.1.3 Marine Training Policy (appendix C)

4.1.4 Enforcement Policy (appendix D)

5.0 Marine Safety Management System

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

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

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

The Council's Statutory Harbour Authorities are namely:

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

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

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

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

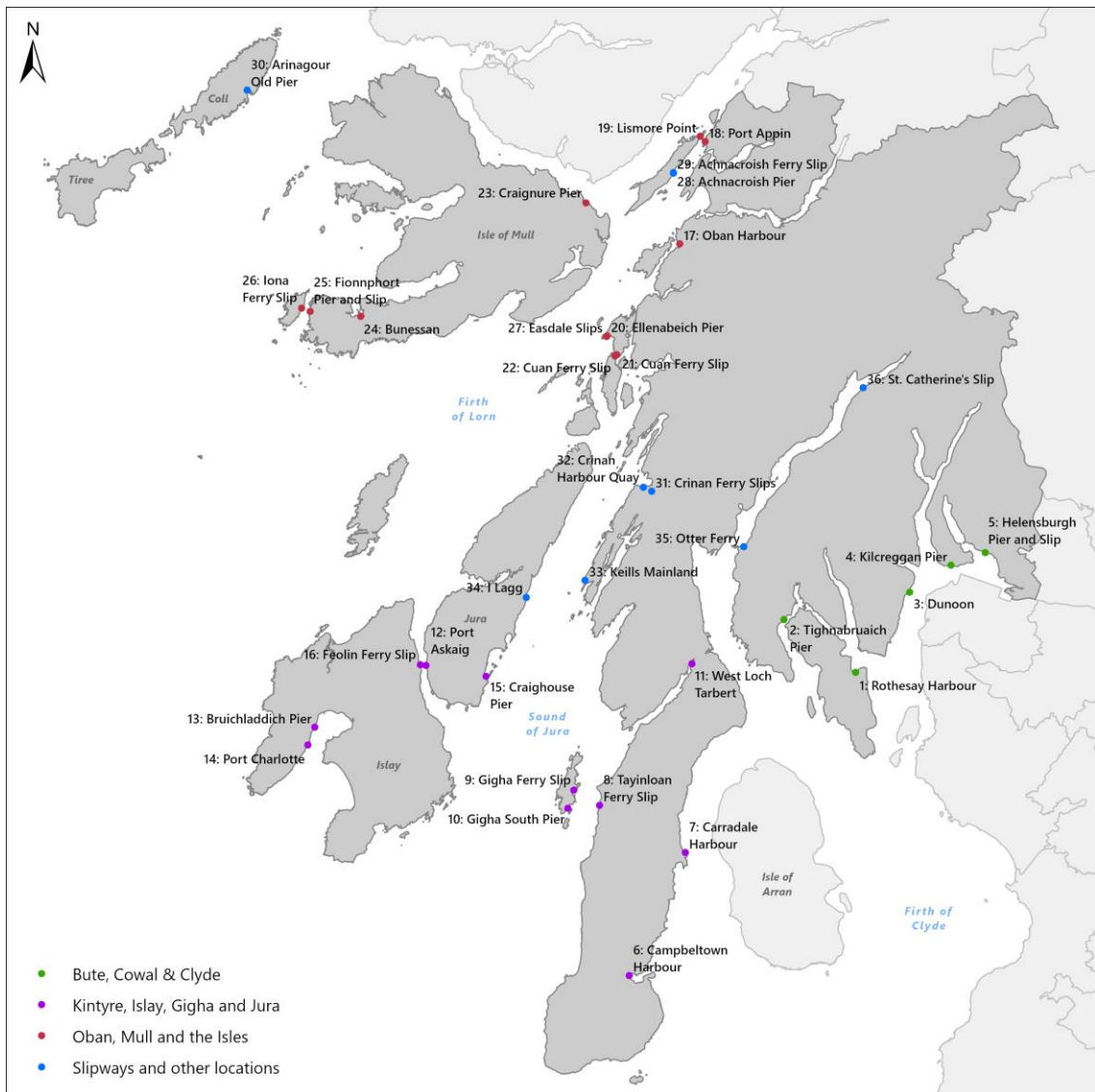
5.3.5 Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.

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

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

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

5.4 The marine facility map now appears as follows



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

5.5.1 Bute, Cowal & Clyde

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

5.5.2 Kintyre, Islay, Gigha and Jura

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

5.5.3 Oban, Mull and the Isles

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

5.5.4 Slipways and other locations

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

6.0 Remedial Measures Action Plan

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

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

Remedial Measures Action Plan: August 2023

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

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

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

7.0 CONCLUSION

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

8.0 IMPLICATIONS

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

8.2 Financial - None arising from this report.

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

8.4 HR - None.

8.5 Fairer Scotland Duty:

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

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

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

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

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

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

Executive Director with responsibility for Roads and Infrastructure Services:

Kirsty Flanagan

Head of Roads and Infrastructure Services: Jim Smith

Policy Lead for Roads and Infrastructure: Councillor Andrew Kain

August 2023

For further information contact:

Scott Reid, Marine Operations Manager Tel: 01546 604 696

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

APPENDIXES

Appendix A Marine Conservancy & Hydrographic Policy

Appendix B Navigational Safety, Pilotage & Towage Policy

Appendix C Marine Training Policy

Appendix D Enforcement Policy

Appendix E Volume I of the Marine Safety Management System

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Marine Conservancy & Hydrographic Policy

1. General Powers of Harbour Conservancy

Argyll and Bute Council as Harbour Authority has a duty to conserve the harbours for which it has responsibility, thus ensuring they remain fit for purpose to enable the various stakeholders and Argyll and Bute Council clients to use the ports successfully and safely.

This includes the provision of information regarding depths of water in the harbour and approaches, local notices to mariners etc. The Harbour Authority also has the powers as the Local Lighthouse Authorities (LLA), as providers of aids to navigation (AtoN).

To achieve the conservancy requirements, the Harbour Authority is committed to:

- Survey as necessary to identify the best navigable channels for vessels to navigate.
- Place and maintain navigation marks where they will be of the best use to navigation (both for night and day).
- Keep a 'vigilant watch' for any changes in the seabed affecting the channel or channels and move or renew navigation marks as appropriate.
- Keep proper hydrographic and hydrological records.
- Publish as conspicuously as possible such further information that will supplement the guidance given by navigation marks.

Argyll and Bute Council may regulate, manage, mark and light the harbour and provide accommodation and harbour facilities in the harbour.

2. Hydrographic Survey

Argyll and Bute Council is responsible for establishing and pursuing a programme of harbour hydrographic surveys and maintenance of navigational channels. Its responsibilities include:

- Responsibility for all hydrographic surveying and associated record keeping for harbour areas carried out to Special Order standard.
- Ensuring the frequency and methodology for hydrographic survey operations is determined primarily by risk assessment, rather than by the blanket adoption of a set of rigid criteria.
- Preparing and collating up to date information on channel data for the UK Hydrographic Office (UKHO).
- Making current survey information available to harbour users and scheduled ferry operators.
- Liaising with the UK Hydrographic Office to improve the relevancy and accuracy of harbour charted information.

The Marine Operations Manager has in place a survey programme contracted to a competent hydrographic survey provider.

3. Tidal Heights and Meteorological Conditions

Argyll and Bute Council have installed equipment within its harbours to enable observations of the rise and fall of the tide to be made.

Within their statutory harbours, tidal height observations and readings are subject to regular visual check against a local tide staff board to ensure correct operation and repair and maintenance is contracted to a competent provider.

In addition to tidal information, Argyll and Bute Council also monitor and record data on prevailing conditions such as wind strength and direction and barometric pressure.

4. Dredging

The Harbour Authority have the mandate (subject to consent from the landowner and Marine Scotland) to undertake dredging operations for maintenance or channel improvement purposes. The results of hydrographic surveys are analysed to establish the need for maintenance dredging.

All dredging operations will potentially be subject to an Environmental Impact Assessment (EIA) and/or a Best Practicable Environmental Option (BPEO) assessment and acquisition of a licence to dispose of dredging spoil. Notice of such operations is communicated to all facility stakeholders and publicised as for survey operations.

It is also considered as best practice by Argyll and Bute Council to undertake, when necessary, a local EIA for any operation/process with the potential to affect the local flora and fauna.

5. Aids to Navigation (AtoN)

Under the Merchant Shipping Act 1995 Section 193, each Statutory Harbour Authority (SHA) is the local lighthouse authority (LLA) for the area within which it exercises its statutory powers and duties.

All navigational marks and lights owned by Argyll and Bute Council as the Local Lighthouse Authority (LLA) for the harbours under its control are established and maintained in accordance with the availability criteria laid down by the Northern Lighthouse Board (NLB). To meet these criteria, a rolling-programme of inspection and maintenance is undertaken through a competent external contractor.

Argyll and Bute Council ensures all aids to navigation are established, operated or altered subject to approval from NLB.

6. Inspection and maintenance

It is the responsibility of Argyll & Bute Council to:

- Oversee planning and implementation of a programme of maintenance of Navigational Aids in accordance with the availability criteria laid down by the Northern Lighthouse Board.
- Subject all AtoNs to annual review or following an incident/accident.
- Supply information and periodic returns to NLB when required.
- Apply for and obtain statutory sanctions.

Appendix A Marine Conservancy & Hydrographic Policy

- Maintain an AtoN database.
- Maintain an AtoN defect reporting system.
- Ensure procedures are also in place for emergency repair, reporting of navigational aid defects and appropriate issue of a navigational warning.

7. Review of Aids to Navigation

Risk assessment and on-going consultations have determined the requirement for Aids to Navigation in Argyll and Bute Council harbour areas. A program of full review with a periodicity not exceeding 5-years has been developed locally, this should where possible align with the general risk assessment for the harbour itself.

8. AtoN Failures, Maintenance and Inspection

It is the responsibility of the Harbour Master to:

- Subject all Argyll and Bute Council harbour and approaches, AtoNs and associated risk assessments to annual review with harbour users or at specific locations following an incident/accident.
- Report AtoN defects.
- Assess navigational hazards and if deemed urgent, report and take the necessary local action commensurate with level of risk.
- Ensure VHF broadcasts of urgent local navigational warnings are promulgated as required.

The implications of an outage are risk assessed by the Harbour Master in consultation with the Harbour Operator and an appropriate course of action adopted.

The Harbour Master will ensure notification is sent to the UKHO and all port users of 'Failures and Alterations' to AtoNs. The Harbour Master will immediately issue a Notice to Mariners (NTM) if a perceived danger deems to exist for safe navigation or, at a later period if the outage lasts longer than 7 days, or if the advertised characteristics of the AtoN will be affected.

The Harbour Master is responsible for promulgation of urgent notifications initially by local VHF broadcast and/or through Coastguard Operation Centres (CGOC).

All failures, audits and maintenance activities undertaken on AtoNs are managed in accordance with the Argyll and Bute Council safety management system.

9. Wrecks and Salvage

Where there is a wreck in, or near the approaches to the harbour, it is the responsibility of the Harbour Master to initially exercise their delegated authority to mark wrecks that in their judgement are or are likely to become a hazard to navigation. They will be lit and buoyed until raised, removed or destroyed. In the case of small wrecks this may be expedited by the Harbour Master in consultation with the Marine Operations Manager.

Appendix A Marine Conservancy & Hydrographic Policy

More significant wrecks or navigational hazards will be the responsibility of the Harbour Master to mark that, in their judgement, are or are likely to become a hazard to navigation. They will be lit and buoyed until raised, removed or destroyed.

Due regard will be made to the duty to protect the environment in the exercise of this and all other duties and powers. A risk assessment will be undertaken of any wreck in, or near the approaches to the harbour with the aim of reducing the risk of danger to navigation to as low as reasonably practicable.

In the event of a vessel becoming a wreck in or near the approaches to harbour limits, the process of removing the wreck is laid down in Section 252 of the Merchant Shipping Act 1995.

In event of a wreck on the approaches to the harbour, the Harbour Authority may:

- Take possession of, raise, remove or destroy the whole, or any part of the vessel, and any other property to which the power extends.
- Light or buoy the vessel until it is raised, removed or destroyed.
- Subject to various restrictions, sell the vessel or part of the vessel so raised or removed and any other property recovered during the exercise of the above powers.

Kirsty Flannigan
Executive Director and Duty Holder
Development and Infrastructure Services
Argyll and Bute Council

Navigational Safety, Pilotage & Towage Policy

1. Introduction

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

The Council's Statutory Harbour Authorities are namely:

1. Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
2. Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
3. Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.
4. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
5. Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc.) Order 1961'.
6. Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
7. Port Askaig, by virtue of the 'Islay Piers Order 1904'.

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

- Campbeltown Harbour.

Argyll and Bute Council manages these ports, harbours and piers as the Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA). Additionally, the Council is the Marine Asset Owner at the further 29 piers, jetties and slipways with a range of duties and responsibilities described in the Port Marine Safety Code, health and safety, environmental and maritime legislation and guidance.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Port Marine Safety Code.

2. Navigational Safety

Under the Port Marine Safety Code, Argyll and Bute Council is responsible for the effective enforcement of regulations made and directions given to assist in managing marine operations and ensuring safety of navigation within their harbours.

This is achieved by the appointed Harbour Masters:

- Maintaining strategic and operational oversight of the activities in the Harbours to ensure the duties, responsibilities and powers of Argyll and Bute Council as statutory harbour authority or non-statutory asset owner are discharged but not exceeded.
- Liaising with, guiding and supporting any Harbour Operator as required to ensure safe and efficient operation of CalMac Ferry Services from non-staffed Argyll and Bute Council harbours and facilities.

3. Safety Management System

Argyll and Bute Council have developed and maintain an effective safety management system based on continuing assessment and mitigation of risk.

In doing so they:

- Consult widely with port and other relevant stakeholders in respect of navigational safety issues.
- Review regularly the effectiveness of, and if necessary, seek amendments to, legal powers, Byelaws and Directions in respect of navigational safety.
- Review regularly duties and powers to maintain an up to date set of Directions and Byelaws in respect of navigational safety and enforce them to effectively regulate and facilitate harbour use.
- Designate suitable anchorages and/or mooring locations.
- Monitor and maintain lights and marks used for navigation within their jurisdiction.
- Make and promulgate hydrographical surveys and berth inspections.
- Keep berth areas free from underwater debris.
- Provide suitable plans for emergency situations.
- Ensure that appropriate competency and safety standards are laid down for passenger, freight and other commercial operations.
- Provide effective management and co-ordination in response to emergency situations within the area of jurisdiction.

4 Navigational Risk Assessment

All harbours within Argyll and Bute Council's area of responsibility are 'open ports', this means that they have a general public right of navigation.

It is the responsibility of the Harbour Master to assess, compile and maintain navigational risk assessments for the harbours for which they have responsibility.

Appendix B Navigational Safety, Pilotage & Towage Policy

Areas that are to be considered when undertaking a navigational risk assessment are:

- Whether the harbour has direct and easy access to the open sea or whether it has a long approach channel.
- Whether the harbour has dense traffic requiring a high degree of management and regulation or has little traffic in which the risk of collision is minimal.
- Whether the vessels using the harbour are of widely differing characteristics, which as a result could have consequences for other navigation and require the assignment of specified channels, e.g., deep draught vessels.
- Whether cargo is handled by ships at anchor, moored to buoys, or berthed alongside.
- Types of cargo handled e.g., dangerous and pollutant goods, and their effect on other navigation.
- Numbers and types of recreational craft.
- Presence of high-speed craft, passenger ferries and local ferries.
- Availability and monitoring harbour VHF frequencies.
- Under-keel clearances, and / or draught restrictions.
- Harbour regimes, depth of water, sand banks, bars, shoaling patterns; meteorological conditions, tides and current.
- Berth locations.
- Proximity of the navigation channel to shore structures (particularly hazardous ones).
- Berthing arrangements.
- Berth fitness and suitability (berthing forces).

The Harbour Master's risk assessment process will identify any requirements for Vessel Traffic Services (VTS) and specifically Pilotage.

5. Marine Traffic Management

The harbour authority's primary duty is to ensure the safe and efficient use of the harbour by those who have a right to use it and navigate in its waters. This includes a duty to regulate navigation using available powers and other means.

Exercise of this function depends upon communication with mariners and other harbour users. As a minimum, the means of achieving this will be by use of marine VHF radio that the Harbour Master will have provided in every staffed harbour location and operated by suitably qualified members of staff.

6. Promulgation of Information

The Harbour Master will ensure navigational information including (but not limited to) water depth, navigational hazards, harbour works, navigational lights and marks are published in a range of publications including Admiralty charts, relevant sailing information and in Notices to Mariners.

Appendix B Navigational Safety, Pilotage & Towage Policy

The UK Hydrographic Office is notified of any permanent or temporary change in navigational marks and hazards for appropriate publication.

If the Harbour Master or Harbour Operator becomes aware of any navigational hazard that is not presented on marine charts or other published navigational information, they will, having verified any reports received, publish a suitable warning. The Harbour Master may issue a warning by means of a Notice to Mariners and the Harbour Operator may issue a verbal warning via VHF traffic information broadcasts. Such navigational warnings may include (but not be limited to):

- Adverse weather conditions
- Shipping movements including STS Operations
- Changes in charted water depths
- Damaged or malfunctioning Aids to Navigation
- New or amended Aids to Navigation
- Wrecks or abandoned vessels
- New or temporary exclusion areas
- Works in harbour areas; and
- Miscellaneous safety warnings.

If the navigational hazard is not of a temporary nature, the Harbour Master is responsible for communicating with the UK Hydrographic if considered necessary to instigate changes to nautical charts and published information.

7. Vessel Traffic Services (VTS)

VTS is designed to improve the safety and efficiency of navigation, safety of life at sea and protection of the marine environment and/or adjacent shore areas, worksites and offshore installations from possible adverse effects of maritime traffic.

Currently Argyll and Bute Council do not utilise VTS at any of the harbours under their control. The future requirements for VTS and the extent of the services provided will be based on the risk assessment process driven by changes to harbour utilisation and requirements and in accordance with the guidance in the Code and IMO Resolution A.857 (20).

8. Passage Planning

Every vessel's navigational passage should be planned in adequate detail to/from the berth and with contingency plans such as abort positions and anchorages where appropriate when navigating in the areas of Argyll and Bute Council's jurisdiction. Any mariners operating a Vessel which proceeds to sea should ensure it is operated in accordance with SOLAS Chapter V Regulation 34.

Masters and Officers of the watch will use the above guidelines for voyage planning, implementing the following measures to ensure that they understand the risks to which they are exposed and take effective measures to reduce such risks including ensuring that there is a systematic organisation on board that provides for:

Appendix B Navigational Safety, Pilotage & Towage Policy

- Comprehensive briefing of all concerned with the navigation of the vessel.
- Regular monitoring of the vessel's position with the use of different methods to check against error in any one system.
- Using the information available from plots of other traffic to ensure against overconfidence, bearing in mind that with the number of vessels in this area other vessels may alter course and/or speed.
- Ensuring that the optimum and systematic use is made of all appropriate information that becomes available to the navigational staff.
- Pre-arrival/departure checks should be completed in good time prior to arrival within Argyll and Bute Council's areas of jurisdiction or departure from their berth.

Argyll and Bute Council reserve the right to require passage or pilotage plans to be submitted by any vessel using or passing through their harbour areas on a case-by-case basis whether vessels are piloted or not. Argyll and Bute Council reserve the right to commission independent passage plan checks on vessels not subject to compulsory pilotage and on every occasion following an incident. Harbour passage plans can be required using the powers of direction.

The future requirements for passage plans will also be based on the risk assessment process driven by changes to harbour utilisation and requirements. Any future requirements for the provision of passage plans will be implemented in accordance with the guidance in the Code.

9. Subsea Pipeline/Cables

The Harbour Master will ensure that any Argyll and Bute Council harbour areas with interfaces with sub-sea cables and pipelines are specifically identified and addressed within the risk assessment process.

10. 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 appoint competent and authorised Pilots.
- Keep under review its Pilotage Directions to ensure they are fully in accord with the Marine Safety Management System and guidance in the Port Marine Safety Code.

Appendix B Navigational Safety, Pilotage & Towage Policy

- Issue Pilotage Exemption Certificates (PEC) to bona fide deck officer 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

In addition, the approaches to Dunoon, Kilcreggan and Rothesy harbours are situated within the jurisdiction of Peel Ports (Clyde), a Competent Harbour Authority for the purposes of the Pilotage Act 1987. In pursuance of its powers under Section 7 of the said Act, Peel Ports (Clyde) issues Pilotage Directions to ships navigating within the limits of its jurisdiction as defined in the Clydeport Authority Confirmation Act 1965 and subsequent amendment(s).

In doing so it specifies what criteria which will apply to vessels, Masters and Navigation Officers in determination of the requirement for pilotage within its waters.

Under the Pilotage Act 1987, Exemptions from Pilotage are available to bona fide Masters and Navigation Officers of regular traders, i.e. only the person in charge or the second in command of a vessel.

Candidates wishing to present themselves for a Pilotage Exemption Certificate within the Clyde area of jurisdiction must comply with their published requirements contained within their Pilotage Directions.

11. Ship Towage

Currently there is no provision of towage services at any of the harbours for which Argyll and Bute Council are the Harbour Authority. If subsequently required, the process will be risk assessed and introduced in accordance with the guidance to the Code.

Kirsty Flannigan
Executive Director and Duty Holder
Development and Infrastructure Services
Argyll and Bute Council

Marine Training Policy

1. Introduction

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.

2. Training requirements

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 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;
- 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;

Appendix C Marine Training Policy

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

Kirsty Flannigan
Executive Director and Duty Holder
Development and Infrastructure Services
Argyll and Bute Council

Harbours Enforcement and Prosecution Policy

1. Introduction

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

The Council's Statutory Harbour Authorities are namely:

1. Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
2. Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
3. Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.
4. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
5. Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.
6. Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
7. Port Askaig, by virtue of the 'Islay Piers Order 1904'.

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

- Campbeltown Harbour.

Argyll and Bute Council manages these ports, harbours and piers as the Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA). Additionally, the Council is the Marine Asset Owner at the further 29 piers, jetties and slipways with a range of duties and responsibilities described in the Port Marine Safety Code, health and safety, environmental and maritime legislation and guidance.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Port Marine Safety Code.

2. Enforcement

Under the Port Marine Safety Code, Argyll and Bute Council is responsible for the effective enforcement of regulations made and directions given to assist in managing marine operations and ensuring safety of navigation within their harbours.

This is achieved by the Argyll and Bute Council Harbour Masters:

- Maintaining strategic and operational oversight of the activities in the Harbours to ensure the duties, responsibilities and powers of Argyll and Bute Council as statutory harbour authority or non-statutory asset owner are discharged but not exceeded.
- Liaising with, guiding and supporting any Harbour Operator as required to ensure safe and efficient operation of CalMac Ferry Services from non-staffed Argyll and Bute Council harbours and facilities.

Enforcement underpins navigational safety by ensuring compliance with legislation, byelaws or regulation. It requires effective surveillance, incident investigation, and leads, where appropriate, to sanctions imposed either by Argyll and Bute Council or when necessary, by the Courts. Argyll and Bute Council will ensure that any enforcement action taken is proportional to the risks posed by the breach of legislation, byelaws or regulation and the seriousness of the offence.

Any decision regarding enforcement action will be impartial and objective, and will not be influenced by race, gender, politics, sexual orientation, disability or religious beliefs of any alleged offender, victim or witness. Such decisions will not be affected by improper or undue pressure from any source.

A consistent approach to enforcement in similar circumstances will be adopted throughout the harbour network and effective liaison will be maintained with enforcing authorities. Enforcement will be concentrated on those activities which cause the greatest threat to public safety, employee safety and pose the greatest threats to the environment or undermine regulatory regimes, which have been created to protect and improve the environment and safety and prevent harm to human health.

3. Prosecution

The objective of enforcement is to ensure that preventative or remedial steps are taken to protect public safety, the environment and to prevent or minimise, future breaches of legislation/byelaws/regulations. Prosecution of offences under relevant legislation is one of the ways of achieving that objective. Neither Argyll and Bute Council or any Harbour Operator will knowingly ignore any criminal or negligent act by any person or company which damages or threatens the environment or which flouts the law.

Enforcement Action may take the form of:

- Local Harbour Staff or Harbour Operator staff verbal warning.
- Harbour Master verbal or written warning.
- Marine Operations Manager written warning.
- Suspension or cancellation of berth or mooring.
- Prosecution under the relevant legislation.
- A combination of any of the above.

Appendix D Harbours Enforcement and Prosecution Policy

Should Argyll and Bute Council decide the situation warrants consideration of prosecution under the relevant legislation they will report incidents to the Police, MCA, MAIB or HSE to enable preparation of cases to the Procurator Fiscal.

Where the circumstances warrant, incidents may be reported to the enforcement agencies for consideration of reporting a case to the Procurator Fiscal without prior warning or recourse to alternative methods of enforcement.

The purpose of any enforcement action is to promote the safety of the harbour and its users.

4. Procedures

This policy is based on education in the first instance and generally only reverting to prosecution for repeat offenders, for offences bringing significant risk of serious injury or loss of life or for when users threaten harm or abuse to harbour staff.

Argyll and Bute Council recognise that most harbour users want to comply with the law. Therefore, where it can Argyll and Bute Council will help users to meet their legal obligations without unnecessary expense, while taking firm action – including prosecution where appropriate – against those who flout the law or act irresponsibly.

Argyll and Bute Council will provide information and advice in plain language on the rules that apply and will disseminate them as widely as possible. Argyll and Bute Council will provide encouragement and support to ensure their legal powers are used appropriately and proportionately to improve and safeguard public health, public safety and the environment.

Argyll and Bute Council will:

- Maintain through regular reviews, a relevant and effective regulatory framework, consistent with national legislation, ancillary regulations and byelaws.
- Ensure that effective enforcement procedures are developed and maintained that comply with national legal requirements and guidelines.
- Ensure that effective investigation procedures are developed and maintained that support the enforcement process, and meet the requirements of the navigational Safety Management System 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 and Bute Council enforcement procedures, receive effective and relevant training.
- Ensure all navigational incidents and breaches of regulations are investigated.
- Maintain an effective surveillance and audit regime to monitor compliance with, and detect breaches of, relevant national and local regulations.
- Respond to breaches of regulations, by imposing a sanction appropriate to the circumstances, or initiating a prosecution where the facts warrant, and it is in the public interest to do so.
- When bringing prosecutions, observe the Crown Office and Procurator Fiscal Service Prosecution Code.

Appendix D Harbours Enforcement and Prosecution Policy

In appropriate cases Argyll and Bute Council will seek to recover the costs of taking enforcement action following a conviction. Any award of costs will be for the court to determine.

Kirsty Flannigan
Executive Director and Duty Holder
Development and Infrastructure Services
Argyll and Bute Council



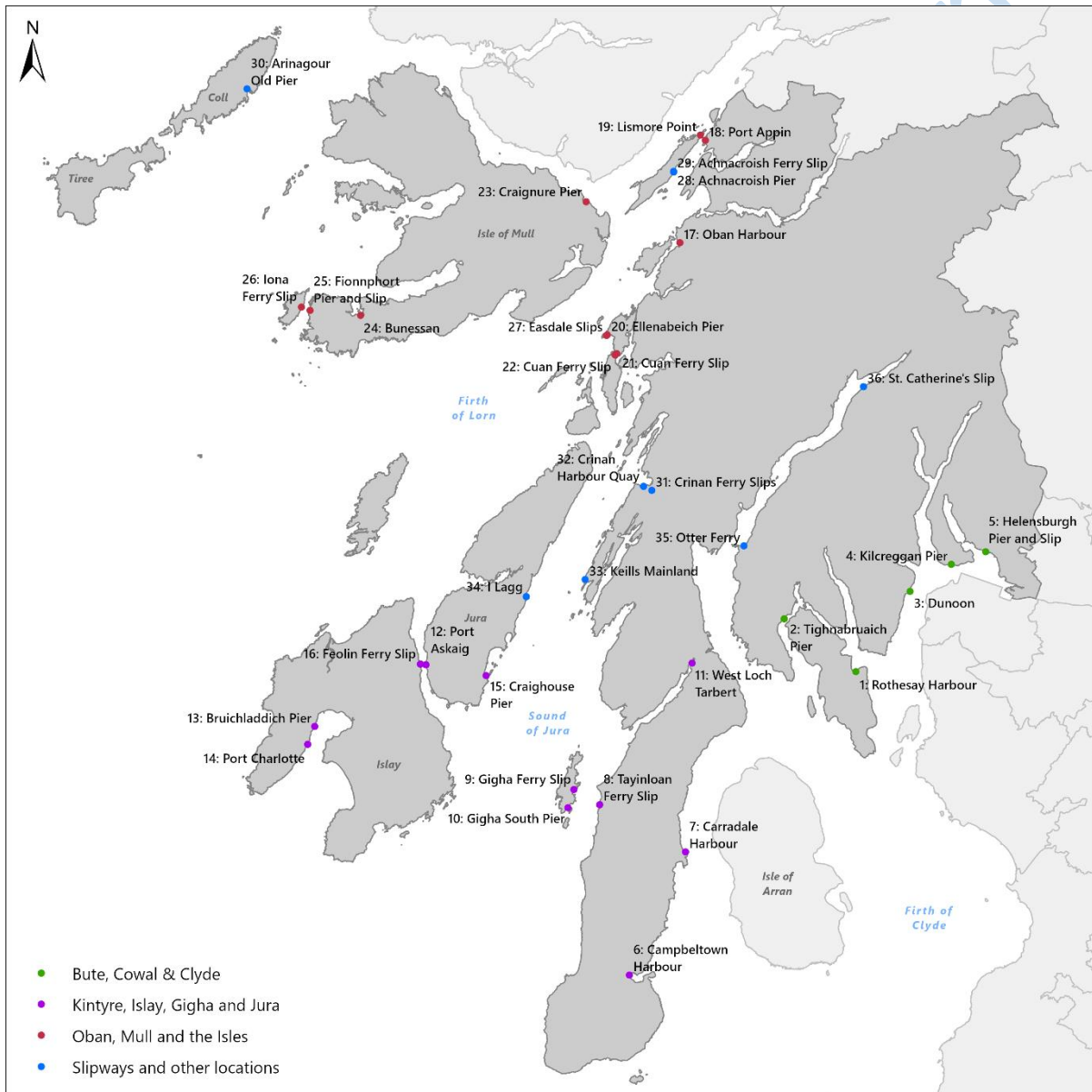
MARINE SAFETY MANAGEMENT SYSTEM

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		

MARINE OPERATION PROCEDURES – DISTRIBUTION LIST

NO	Name	Role
1	Kirsty Flanagan	Duty Holder, Executive Director of Development & Infrastructure Services
2	Jim Smith	Head of Roads & Infrastructure Services
3	Scott Reid	Marine Operations Manager
4	Allan Finlay	Technical Officer
5	Alex Leslie	Technical Officer
6	Stephen Scally	Harbour Master (for sharing with all harbour staff)
7	Vicki McKenzie	Harbour Master (for sharing with all harbour staff)
8	Paul Lambert	Harbour Master (for sharing with all harbour staff)
9	Peter Welsh	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	Monty 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	
20	HB Member	

Draft for consultation

MARINE SAFETY MANAGEMENT SYSTEM – DOCUMENT RECORD

Revision No.	Amendment Date	By	Revision History
Draft	Jan 2023	SR	Document created – Draft for review
01	xxx 2023	HB	Harbour Board approval
02			
03			
04			
05			
06			
07			
08			
09			

Draft for consultation

ABBREVIATIONS

ALARP	As low as reasonably practicable
CHA	Competent Harbour Authority
DP	Designated Person (Port Marine Safety Code)
PMSC	Port Marine Safety Code
FRA	Formal Risk Assessment
HSE	Health and Safety Executive
MAIB	Marine Accident Investigation Branch
NLB	Northern Lighthouse Board
SHA	Statutory Harbour Authority

Draft for consultation

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1.0 Introduction

The Port Marine Safety Code ('the Code') sets out the UK 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'.

To ensure compliance with The Code, Harbour Authorities and marine asset owners must address the following measures (so far as they are applicable to the size and function of each facility):

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

This Marine Safety Management System (MSMS) along with its procedures and guidelines fulfil the requirements of the Code to publish an MSMS.

1.1 About the Harbour Authority

Argyll and Bute Council is a Statutory Harbour Authority at seven locations and a marine asset owner at a further 29 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

1. Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
2. Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
3. Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.
4. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
5. Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.
6. Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
7. Port Askaig, by virtue of the 'Islay Piers Order 1904'.

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

- Campbeltown Harbour.

Argyll and Bute Council manages these ports, harbours and piers as the Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA). Additionally, the Council is the Marine Asset Owner at a further 29 piers, jetties and slipways with a range of duties and responsibilities described in the Port Marine Safety Code, health and safety, environmental and maritime legislation and guidance.

1.2 Argyll and Bute Council Ports, harbours, piers and slipways

The following locations are grouped into regions and include both SHAs and marine facilities.

1.2.1 Bute, Cowal & Clyde

1. Rothesay Harbour (Bute) [Statutory Harbour Authority]
2. Tighnabruaich Pier (Kyles of Bute)
3. Dunoon [Statutory Harbour Authority]
 - Dunoon Harbour Pier
 - Dunoon Harbour Jetty
4. Kilcreggan Pier
5. Helensburgh Pier

1.2.2 Kintyre, Islay, Gigha and Jura

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

1.2.3 Oban, Mull and the Isles

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

1.2.4 Slipways and other locations

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

1.3 Argyll and Bute Harbour Board

Argyll and Bute Council (the full Council) recognises that it is the Statutory Harbour Authority and marine facility operator for all its harbours, piers and slipways 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.

Members of the Harbour Board receive specialist training to enable them to discharge their duties in respect of the Port Marine Safety Code.

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

Argyll and Bute Council, as Harbour Authority, has powers to appoint personnel, including its Harbour Masters, to manage the operation of the harbour area.

The Harbour Board has a number of powers, duties and responsibilities:-

- a) Development and maintenance of its harbours and marine assets to meet the requirements of port users and safe marine operation of its assets.
- b) Development and implementation of appropriate policies and plans.
- c) Approve the publication of the Marine Safety Plan in achieving its Policies .
- d) A duty to adopt appropriate powers as required for effective enforcement of its statutory duties (Harbour Bye-laws, directions) and review these periodically.
- e) Responsibility for recommending harbour dues at a level, which adequately funds the discharge of its duties.
- f) Powers to appoint Harbour Masters.
- g) Appointment of a suitable Designated Person, to provide assurance that its Marine Safety Management System is operated effectively.

1.4 The Duty Holder

The Argyll and Bute Harbour Board has assigned the post of Duty Holder to the Executive Director, Development and Infrastructure Services. The Duty Holder's principal requirements are:

- a) Discharges the duties and exercises the powers given to them, both directly and by delegation, as they consider appropriate.
- b) Discharges the function of "Duty Holder" by delivering the policy set by the Harbour Board, and as defined in the PMSC.
- c) Makes recommendations to the Harbour Board and other appropriate committees within the Council, including the role of Designated Person.
- d) Appoint competent people to manage marine safety.
- e) Reviews the performance of Argyll and Bute Council against its marine strategic and operational objectives, plans, and budgets.
- f) Ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set.
- g) Report compliance with the Code to the MCA every three years.

1.4.1 Reporting Compliance

Every three years (or as often as directed by Government policy), the Duty Holder will sign a statement describing the Council's compliance with the latest version of the Code. If the Organisation is not compliant, or not fully compliant, the statement will describe the Council's intentions for achieving compliance, including the planned timescales.

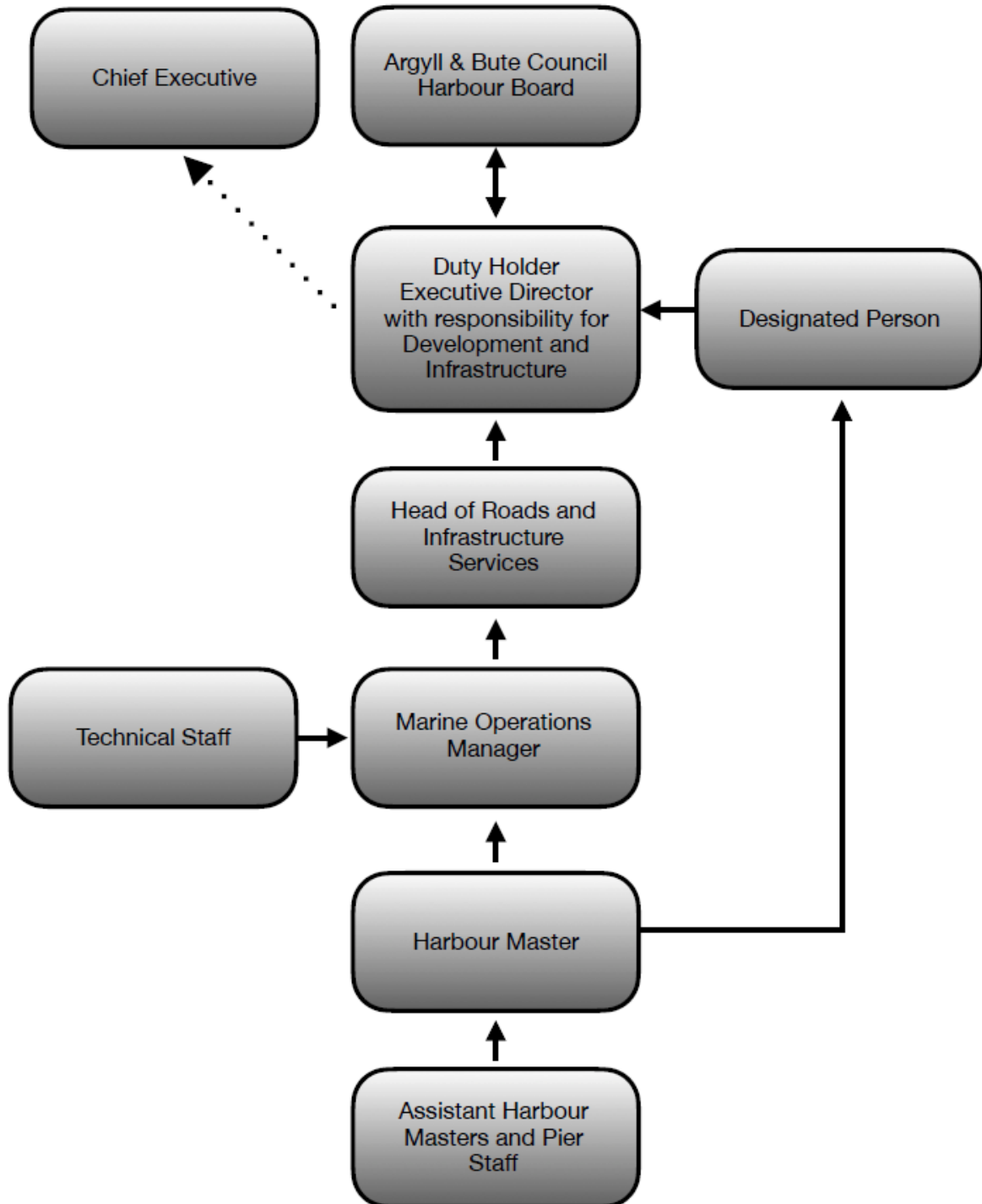
1.5 Policies

Argyll and Bute Council has developed Policies to ensure its Marine Operations are safe and in compliance with the Port Marine Safety Code. Policy is set and agreed by the Argyll Bute Harbour Board. The Duty Holder is responsible for implementing the Council's policy. The primary purpose of these Policies is to provide an overall standard for marine operations throughout Argyll and Bute Council areas of jurisdiction. The following policies are in place:

1. [Council Health and Safety Policy.](#)
2. Marine Conservancy & Hydrographic Policy.
3. Navigational Safety, Pilotage & Towage Policy.
4. Marine Training Policy.
5. Enforcement and Prosecution Policy.
6. Training Policy

1.6 Marine Operational Management Structure

Structure of Marine Operational Management.



1.6.1 Head of Roads and Infrastructure Services

Responsible to the Executive Director, Development and Infrastructure Services for:

- a) Leading the delivery and provision of Marine Operations ensuring that appropriate a Marine 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.
- b) To work cooperatively with others (including external organisations where appropriate) to meet and maintain the objectives of the Marine Safety Management System.
- c) To provide effective management and team leadership.
- d) To proactively manage the health and safety of employees and ensure that all key elements of health and safety management are in place.
- e) To demonstrate resilience and integrity and lead through challenging circumstances.
- f) To develop service plans and continually review performance, striving to improve the quality and efficiency of Marine Operations.
- g) To recruit and train competent employees including the Marine Operations Manager.

1.6.2 Marine Operations Manager

Responsible for the overall management of the Council's Marine services, ensuring that an appropriate Marine 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:

- a) All Council piers and harbours are safe for operational use by mariners, including infrastructure and navigational aids.
- b) All ferry vessels are compliant and certificated for public service, including arranging for the annual inspections and maintenance.
- c) Ferry crews are appropriately qualified.
- d) Ferry timetables meet the needs of relevant communities.
- e) Those facilities which are ISPS approved remain compliant.
- f) Any necessary actions are taken as a result of attending Port Security meetings.

- g) The Council has a validated oil pollution response plan for harbours and the coastal environment.

1.6.3 Marine 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 Marine 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

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- 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.

1.6.4 Harbour Masters

Harbour Masters and their Assistants are appointed by the Harbour 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 Marine Safety Management System.
- b) Navigation 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 Marine 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.

1.6.5 Pier Masters

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The Authority appoints Pier Masters who runs specific pier facilities. Pier Masters also 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.

1.6.6 Assistant Harbour Masters

The Authority appoints Assistant Harbour Masters who aid and support the relevant Harbour Master in the operation of the port, harbour or pier. The Assistant Harbour Masters are vested with the same statutory discretions as the Harbour Master and are authorised to deputise in the Harbour Master's absence.

Draft for consultation

2.0 Designated Person

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

The role of the Designated Person for Argyll and Bute Council is:

- a) Provide independent assurance that the Marine Safety Management System is effective; and
- b) Provide the Duty Holder and Harbour Board with independent and professional advice regarding Argyll and Bute Council's overall compliance with the requirements of the PMSC.

The Designated Person will provide an annual statement to the Duty Holder and Harbour Board about the state of compliance with the most recent version of the Port Marine Safety Code.

The Designated Person must test the effectiveness of the Marine Safety Management System, through objective evidence, obtained from internal and external auditing.

Draft for consultation

3.0 National Port and Maritime Legislation

All Harbour Authorities and marine facility owners are required to follow relevant legislation. This is split into National legislation and local legislation (specific to each individual port, harbour or pier).

Ports policy is a devolved matter in Scotland. Marine safety is a reserve matter and applied UK wide. The following sections identify the relevant national port and maritime legislation and local acts and orders, relevant to individual Council ports, harbours and piers.

3.1 National Port and Maritime Legislation

Harbour Authorities have a range of statutory and non-statutory duties and powers relating to marine operations. The Council has a Duty of reasonable Care to its harbour users and will ensure the safety at work of employees and other persons who may be affected by the Authority's activities as far as is reasonably practicable to do so. Principal legislation relevant to ports, harbours, piers and slipway marine operations include:

- Harbours, Docks and Piers Clauses Act, 1847
- Harbour Act, 1964
- Merchant Shipping Act, 1995
- Health and Safety At Work Act, 1974
- Marine Scotland Act 2010 (see note).

Note: Under the 'Marine Scotland Act 2010' Scottish Ministers are responsible for marine licensing and enforcement in the Scottish Inshore Region (out to 12 nautical miles). This includes waters of estuaries and tidal rivers, as far as the tide flows from the Mean High Water Spring (MHWS). Marine Scotland is responsible for the integrated management of Scottish waters alongside Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). Marine Licensing is managed by the Marine Scotland Licensing Operations Team (MS LOT).

3.2 Local legislation for Ports (Acts and Orders)

The Council's local acts and orders relevant to ports, harbours, piers and slipway marine operations include:

- 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'.

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- Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.
- Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
- Port Askaig, by virtue of the 'Islay Piers Order 1904'.

The Council will seeks to regulate, as far as is reasonably practicable, all activities throughout its Piers and Harbours ensuring that all National Legislation, Local Bylaws and Directions are enforced and complied with.

Draft for consultation

4.0 Delivery of Council Duties and Powers

Argyll and Bute Council as Harbour Authority and a marine facility owner and operator, is required to comply with its duties and powers laid out under existing national and local legislation, as appropriate.

4.1 Marine Operations and control of the Safety Management

Marine Operations within the Argyll and Bute Council 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 Council's area of jurisdiction.

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

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

4.2 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).

4.3 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 harbour 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 Marine Safety Management System and guidance in the Port Marine Safety Code.
- Issue Pilotage Exemption Certificates (PEC) to bona fide deck officer 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 .

4.4 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. Argyll & Bute Council also has in place established procedures for emergency situations. Emergency plan exercises take place at regular intervals to familiarise and update staff on these procedures and to test response actions and communication structures.

4.4.1 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:

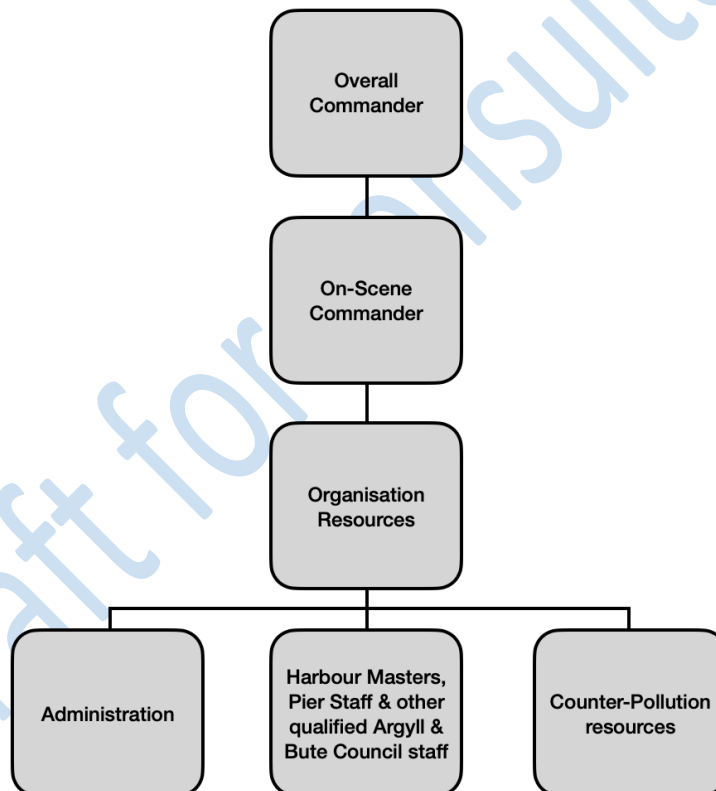
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- **Tier 1** - Spills which can be dealt with using the resources retained on site;
- **Tier 2** - Spills which require mobilisation of additional resources and the Tier 2 oil spill contractors; and
- **Tier 3** - Spills which require mobilisation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

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.

4.4.2 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.



4.4.3 SOSREP

The role of the Secretary of States' Representative for Maritime Salvage and Intervention (SOSREP) was created in 1999. SOSREP represents the Secretary of State for the Department of Energy and

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Climate Change in relation to offshore installations, and the Secretary of State for the Department for Transport in relation to ships and tankers.

The SOSREP is in automatic charge of the emergency response to a serious marine incident.

In practical terms, SOSREP will take their decisions based on the advice given by the particular experts in action on the emergency. They will agree the salvage plan provided by the Marine Safety Management System salvage contractors and will require it to be amended in the light of other strong advice. They may ask for additional resources, or call upon other expertise. SOSREP is empowered to Make crucial decisions, often under time pressure, without recourse to a higher authority, where such decisions are in the "overriding UK public interest".

4.4.4 Dangerous Goods in Harbour Areas Regulations 2016

The entry and presence of dangerous, hazardous and harmful cargoes in port areas and any consequential handling must be controlled to ensure the general safety of the area, the containment of such cargoes, the safety of all persons in or near the port area and the protection of the environment. The safety of life and the safety of a ship, its cargo and all persons on Board in a port area are directly related to the care which is taken with such cargoes prior to loading or unloading and during the handling. All dangerous goods being transported or handled through the port will be handled in accordance with the Dangerous Goods in Harbour Areas Regulations 2016 except that being stored under the COMAH Regulations. The Regional Emergency Plan is maintained to effectively handle emergencies involving dangerous substances. There is also a National Emergency plan that would come into effect in the event of a major Incident that called for National resources and intervention National Emergency Plan. Vessels carrying oil or gas are required to confirm the vessel has no defects by completing a Tanker checklist form prior to berthing.

The Harbour Master has the power to prohibit the entry into a port of any vessel carrying dangerous goods, if the condition of those goods, or their packaging, or the vessel carrying them is such as to create a risk to health and safety, and to control similarly the entry on to dock estates of dangerous substances brought from inland. The Harbour Master also has powers to regulate the movement of vessels carrying dangerous goods. Vehicles carrying dangerous goods should only be parked in designated areas. Additional requirements are required for handling radioactive substances (Class 7) and explosives (Class 1).

4.4.5 Explosives

Within Argyll and Bute Council Ports and Harbours, a small number of ports have Explosives Licences. This are in place for:

Licence Reference	Harbour Area
XI/1811/100	ARDMINISH GIGHA
XI/1811/103	IONA FERRY SLIPWAY

XI/1811/104	FIONNPHORT FERRY SLIPWAY
XI/1811/105	TAYINLOAN FERRY SLIP, KINTYRE
XI/1811/96	FEOLIN
XI/1811/55	CRAIGNURE PIER

4.4.6 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.

4.5 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.

4.5.1 Minor Incidents

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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.

4.5.2 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.
- 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.

4.5.3 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.

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- Response strategy.
- Equipment deployment.
- Communication support.
- Logistics support.
- Public affairs/media.
- Safety/security.
- Legal support.
- Vessel casualty.

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

4.6 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.
- 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.

4.7 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.

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- 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.
- The investigation should look beyond the actual situation to see whether it could have been worse.

4.8 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. They and their 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.

Appendix E SMS

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.

4.9 Enforcement 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 Council or by the Courts.

Where necessary, and where empowered, the Council will prosecute offenders for committing offences.

4.9.1 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.

4.9.2 The Enforcement Options

Enforcement covers everything from cordial education on the conduct expected, to prosecution on indictment in the appropriate Court.

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.
- Prosecution.

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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.
- The knowledge and experience of the suspect.

Draft for consultation

5.0 Marine Risk Management

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

5.1 Marine/Navigational Risk Assessments

Marine and Navigational Risk Assessments are required at all Council ports, harbours, piers and slipways. The Code's Guide to Good practice provides information on the intended form and content of the risk assessments. The principles employed in carrying out the risk assessment include:

- Identify hazard and analyse risks;
- Assess those risks against an appropriate standard of acceptability; and
- Where appropriate, consider a cost-benefit assessment of risk reduction measures.

The process of assessment used by the Council is continuous and reflective, so that new hazards to navigation and marine operations are identified and properly addressed. Central to the risk management process within is the concept of reducing risk to levels which are 'as lowest as reasonably practicable' (ALARP). ALARP is an industry-wide standard, applying to both health and safety and port marine safety. Central to this standard is the term 'reasonably practicable'. To meet this standard, the risk assessments balances risk against the effort, time and money required to control the risk.

In determining whether the predicted level of risk is tolerable and acceptable, the following questions are considered:

- Is the risk below any unacceptable limit that has been established?
- If so, has it also been reduced to ALARP?

The risk is tolerable and acceptable if the answer to both these questions is 'Yes'. Argyll and Bute Council, as the harbour authority consider that any final risk outcome in the High or Very High band, is intolerable. Following which, all hazard scenarios have risk reduced to a point concluded to be ALARP.

Classification	Score	Outcome
Very High Risk	9.00-10.00	VH
High Risk	6.00-8.99	Hig
Significant Risk	5.00-5.99	Sig
Moderate Risk	4.00-4.99	Mod
Low Risk	1.00-3.99	Low
Negligible Risk	0.01-0.99	Neg
No Risk	0	Non

5.1.1 Risk Controls

Marine and navigational risks for all marine activity, associated with the Argyll and Bute Council's SHAs and marine facilities have been assessed. The assessment has the following parts:

1. Identification of hazard definitions and scenarios (i.e. descriptions of hazard and outcome).
2. Risk analysis, including identification of causes that may lead to one of the described hazard scenarios (i.e. an accident or incident outcome).
3. Consideration of existing (embedded) mitigation measures, which either control or address the outcome of an accident or incident.
4. Additional (future) risk controls, which are not currently in place, but could be used to further reduce or eliminate risk.

The hazard scenarios are used to identify potential undesirable outcomes. These are considered according to their 'Most Likely' and 'Worst Credible' outcomes. This provides the option to consider very serious outcomes, which could credibly occur, along with outcomes that are less serious, but could occur on a more frequent basis. The risk assessment process, following the Code's Guide to Good Practice evaluates the outcome on four receptors:

- People;
- Environment;
- Property; and
- Port (reputation/amenity loss)

Embedded controls are considered, these are the controls already in place. Some are provided by the Council, others from emergency response providers and some are part of the maritime community (for example, standards for equipment, training, experience etc).

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Principal controls available at SHA's with appointed Harbour Masters and powers of direction include:

- 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 - in circumstances in which pilotage is compulsory.
- Dangerous vessel directions - 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 Marine 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 they believe that compliance would endanger the vessel.

5.1.2 Future Risk Controls

Additional controls have been identified to ensure that risk levels are reduced to a level which is considered to be ALARP. These additional controls are safety recommendations which will further reduce frequency and consequence and informs future risk scores. The identified measures, if fully adopted, should be incorporated into Argyll and Bute Council's harbour operational plans. Once a future risk control has been implemented, it becomes an embedded control. Just because the risk assessment process has identified a future control, does not mean this control will be added – it must first be subject to a cost/benefit review, conducted by the Marine Operations Manager.

5.1.3 Update of Marine/Navigational Risk Assessments

Navigational risk assessments are maintained for the main ports and harbours as a minimum.

The regular (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.

5.2 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.

6.0 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's piers, harbours and slipways. 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.

6.1 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 Council's 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.

7.0 Review and Audit

Monitoring, reviewing and auditing of the Council as an Organisation under the Code, is a key requirement. This process allows for the Designated Person to report on effectiveness of the system to the Duty Holder and Harbour Board.

7.1 Review of the Safety Management System

The Review process will focus on the effectiveness of the Marine 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; and
- Accidents / Incidents that occur being analysed to identify System strengths and weaknesses.

Periodical Review: Additional to the above the Marine Safety Management System will be reviewed and reissued by the Marine Operations Manager every three years and subject to the Designated Person review as part of the external audit cycle.

7.2 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 Designated Person and the Duty Holder. If required, the Marine Safety Management System will be reissued following authorisation from the Harbour Board.

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; and
- Advice from the Designated Person.

7.3 External Audit of Code Compliance Statement

An annual independent audit of the Marine Safety Management System will be provided by the Designated Person. This audit will be part of an audit cycle, considering all Council Statutory

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Harbour Authority ports and harbours, over a five year period. In addition, selected marine facilities will also be audited on a periodic basis. Outputs from the audit cycle will be presented to the Duty Holder and Harbour Board and the outcome of this consideration will be recorded.

An annual statement by the Designated Person, will be made to the Duty Holder and Harbour Board during Quarter 1 of each year. This statement will summarise the audit process from the previous calendar year and provide a statement regarding the Council's level of Compliance with the Code.

7.4 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.

7.5 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 and approved by the the Duty Holder. Significant changes will result in a reissue of the MSMS which will be approved by the Argyll and Bute Council Harbour Board.

7.6 Document Control

As with many Council Documents, the Marine 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.

Draft for consultation

8.0 Competence and 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 marine safety management systems and promote the involvement of port users in training programmes.

8.1 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.

The training matrix and training records is held and maintained centrally.

9.0 Marine Safety Plan

The Code provides detail on the way in which Harbour Authorities should show commitment to maritime safety and to ensuring the involvement of harbour users. The PMSC specifically requests a 'safety plan for marine operations' also termed a 'marine safety plan' which should be published at least once every three years. This document is reviewed and reissued by the Duty Holder, and confirms how commercial pressures are managed without affecting the safe provision of services and the efficient discharge of its duties. The responsibility for issuing this plan rests with the Duty Holder.

9.1 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.

9.1.1 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.

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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 Marine 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.

9.1.2 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.

10.0 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. To achieve the conservancy requirements, the Harbour Authority must:

- Survey as necessary to identify the best navigable channels for vessels to navigate.
- To place and maintain navigation marks where they will be of the best use to navigation (both for night and day).
- To keep a 'vigilant watch' for any changes in the sea bed affecting the channel or channels and move or renew navigation marks as appropriate.
- Keep proper hydrographic and hydrological records.
- To publish as conspicuously as possible such further information that will supplement the guidance given by navigation marks.

10.1 Hydrographic Survey

Argyll and Bute Council is responsible for establishing and pursuing a programme of harbour hydrographic surveys and maintenance of navigational channels. Its responsibilities include:

- Responsibility for all hydrographic surveying and associated record keeping for harbour areas carried out to Special Order standard.
- Ensuring the frequency and methodology for hydrographic survey operations will be determined primarily by a risk assessment, rather than by the blanket adoption of a set of rigid criteria.
- Preparing and collating up to date information on channel data for UK Hydrographic Office.
- Making current survey information available to the harbour community.
- Liaising with the harbour community and UK Hydrographic Office to improve the relevancy and accuracy of harbour charted information.

10.2 Dredging

Argyll and Bute Council has authority (subject to consent from Crown Estate Scotland and Marine Scotland) to undertake dredging operations for maintenance or channel improvement purposes. The results of hydrographic surveys are analysed to establish the need for maintenance dredging. All dredging operations will potentially be subject to an Environmental Impact Assessment (EIA) and/or

a Best Practicable Environmental Option (BPEO) assessment and acquisition of a licence to dispose of dredging spoil.

10.3 Aids to Navigation

As part of the Government commitment to the Safety of Life At Sea (SOLAS) convention, and as directed by the Merchant Shipping Act 1995, Northern Lighthouse Board (NLB) as a General Lighthouse Authority (GLA), has responsibility for the superintendence and management of all lighthouses, buoys and beacons within Scottish.

Under the Merchant Shipping Act 1995 Section 193, each statutory harbour authority is the local lighthouse authority (LLA) for the area within which it exercises its statutory powers and duties. All navigational marks and lights owned by CMAL as the Local Lighthouse Authority (LLA) for the harbours under its control are established and maintained in accordance with the availability criteria laid down by the Northern Lighthouse Board. In order to meet these criteria, a rolling-programme of inspection and maintenance is undertaken through an external contractor.

10.4 Wrecks and Abandoned Vessels

The 1959 Act, Section 33 provides powers to remove or destroy wrecks. This power is further strengthened by Section 252 of the Merchant Shipping Act 1995. Wrecks may also be lit and buoyed, until they are raised, removed or destroyed. Argyll and Bute Council exercises its powers in respect of wrecks to mark and remove wrecks which in their opinion, are a danger, or likely to become a danger to navigation.

8.2 Training Plan Responsibilities

Table 1: Training Plan Responsibilities

Post	Guidance/Mentoring Responsibility
Marine Operations Manager	Head of Roads and Amenity Services
Harbour Master	Marine Operations Manager
Technical Officers	Marine Operations Manager
Assistant Harbour Masters	Harbour Master

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Pier Operatives	Harbour Master
Ferry Operatives	Technical Officer for Ferries

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ARGYLL AND BUTE COUNCIL

ARGYLL AND BUTE HARBOUR BOARD

ROADS AND INFRASTRUCTURE SERVICES

31 AUGUST 2023

PIERS & HARBOURS -

MARINE ASSET MANAGEMENT PLAN

1.0 INTRODUCTION

- 1.1 This report provides Members with a review of the marine works Asset Management Plan. It includes an update on significant and major programmes currently planned and underway within Argyll and Bute Council's Marine Asset Management Plan (AMP) as well as schemes added since the last update.

2.0 RECOMMENDATIONS

- 2.1 Members are asked to:

- 2.1.1 Consider the update on the major programmes currently being addressed within the Argyll and Bute Council's Marine Asset Management Plan.
- 2.1.2 Note that £9.2 million worth of capital works are underway for the financial year 2023 2024.
- 2.1.3 Note that there is a potential spend of c.£110 million over the next 5 years, the majority of which will support the new CMAL & CFL / CalMac fleet renewal.

3.0 BACKGROUND

- 3.1 Argyll and Bute Council continue to work closely with Transport Scotland, CMAL and CFL / CalMac to support Island and rural communities with marine links to the mainland, Central Belt resources and tourist revenue.

- 3.2 Lifeline ferry services are prioritised and the CMAL vessel replacement programme for Islay, Mull, Iona and Gigha all require infrastructure upgrades to meet the new vessel's requirements.
- 3.3 Shore power upgrades for overnight charging of vessels and the associated infrastructure requirements have been completed in Craignure for the Loch Frisa; and preparation work is now underway for Fionnphort and Gigha.
- 3.4 Crew and passenger's safe boarding and access will be improved with our programmes at Fionnphort, Feolin, Dunoon and Kilcreggan, while studies will be completed for the Council's own ferry services infrastructure.

4.0 DETAIL

- 4.1 The Marine Asset Management Plan is an adaptable plan fed into by changing priorities and circumstances. It also relies on steady and predictable income from those ferry services utilising Argyll & Bute Council infrastructure.

In recent years the COVID-19 pandemic and the UK's withdrawal from the European Union has made some of the variables less predictable and our ability to engage contractors and consultants more difficult.

Costs are best estimated and closely watched for best value. Rising prices and availability of resources are risks which will need to be monitored in each of the projects and forecasts adjusted accordingly.

- 4.2 The latest version of the Marine Asset Management Plan is attached as annex A and planned expenditure is included in the updates. It includes the following significant works:

4.2.1 Iona & Fionnphort

CMAL's Small Vessel Replacement Programme (SVRP) vessel no 3 of 7 is expected Q3 2027.

Presently, we are uploading the planning application with a view to tender this year, contractor award and start of works in the spring / summer of 2024 and a completion summer 2025. The present forecast of 1 year construction may be subject to the contractor work scope and supply chains, particularly rock for armour. Expected expenditure this year is £500k.

Alongside this is the preparation is progressing with Fionnphort to ensure:

- Overnight berth
- Safe access for crew
- Sheltered berthing
- Charging and supply facilities

- Traffic survey to enhance the passenger road user interface at the terminal area.

An Environmental Impact Assessment (EIA) is in process including the socioeconomic assessment. Design colleagues have addressed all potential issues with CalMac Marine regarding swept paths and approaches. When Marine Scotland approve the EIA we will continue with the marine licences and other preparations with a view to tender in the summer of 2024 approx. Expected expenditure this year is £100K

Public engagement visits with drop in day and presentation at Fionnphort and Iona took place in April this year and were well attended.

4.2.2 **Craignure**

- New Ferry Terminal

Ground Investigation works have been awarded to DUNHELM Geotechnical & Environmental Ltd with a view to start on site 24th August for around 4 weeks.

Meetings have commenced and will continue with CFL / CalMac. Transport Scotland and contractors to monitor working limits, service continuity and work schedule. Expected expenditure this year is £1M.

- Power supply for Loch Frisa

Officers have worked closely with CMAL to provide the shore power supply for the Loch Frisa which included a new power substation that is now online providing improved capacity for both present demand and a 'Phase 1' for the new terminal requirements. Expenditure was £214k which will be split / shared with CMAL. The indications are therefore that shore power upgrades will be in the region of £250k to £300k per island installation.

- Craignure Passenger Access (PAS)

Our consultants Royal Haskoning have a replacement engineer in place to develop tender documentation and design specs for a compliant replacement PAS at the existing terminal location. We are reviewing and confirming an extensive list of potential in scope vessels which include short, long term and contingency options in the coming weeks. The aim is to make use of the PAS when the Long-Term Option for Craignure has been completed to maximise value for money on the build. Significant work has progressed with the in scope vessels and the ability to reuse as much of the new PAS as possible in the new terminal infrastructure. The tender for a design and build of the new PAS is being finalised for issue shortly. Possible expenditure this year is £1M

4.2.3 **Port Askaig**

The first of the new CFL / CalMac vessels is expected from Q4 2024. The new vessel will have the capacity to carry a maximum of 100 cars, or 14 HGVs. A new area adjacent to the approach road has been investigated, however due to the landowner rejecting the sale of land and excessive letting cost this could no longer be considered as the preferred option.

Consultants SYSTRA were commissioned to carry out a study to determine options for the existing marshalling area when attempts to purchase land for additional space were unsuccessful.

The study considered:

- Existing terminal operation and typical turnaround process, including effects on turnaround times;
- HGV operations, movements and associated swept path analysis;
- New Islay Vessel (NIV) specification and capacities and different loading scenarios (including 14 x 34T HGV's or 10 x 44T HGV's with approx. 22 cars or 100 PCU's*)
- A846 public road/through lane;
- Bus services and provision of drop-off;
- HGV/car interface;
- Pedestrian/vehicle interface, including pedestrian desire lines;
- Car Park utilisation;
- Jura Ferry and Calmac ferry interface, particularly when loading/unloading, and movement of vehicles between the mustering area and the linkspan/stub berth;
- Traffic management issues as identified in 'Review and Optioneering Exercise' by Dougall Baillie Associates – Jan 2019);
- Provision of drop trailer service only where it would not compromise capacity and safety compliance;

The report is now due and will show that the marshalling capacity can be increased to c.120% of the vessel capacity and while that is not the preferred figure of 150% that CFL / CalMac prefer it is undoubtedly the maximum capacity for that area.

Additional space may still be sought at the top of the access road, particularly for the period where Port Ellen is closed for reconstruction. Expected expenditure will be determined when options are assessed.

4.2.4 **Dunoon & Kilcreggan**

Dunoon & Kilcreggan also have vessel replacement programmes which will see an improvement in the service reliability and resilience for commuters and visitors. The projects now await the Transport Scotland 'Needs Based Assessment' for the route and confirmation of funding from Transport Scotland Investment Decision Board (IDM).

If approved the vessels may be expected in 2026. Public consultation has closed for the infrastructure options and the results will be discussed with Argyll & Bute Council Harbour Board, Working Group, Reference Group and be fully available on the Council's web site.

Specifications and tender documents have been drawn up for tender submissions with an aim of starting GI works in the summer if the vessel funding is confirmed. Expected expenditure this year is £1M to £1.5M.

4.2.5 **Feolin**

Plans for Feolin include the new infrastructure required for a new replacement ferry as well as a pontoon and gangway installation in the short term, for use when the passenger only contingency is in service. Longer term plans will need to be integrated with the new vessel procurement process to ensure the infrastructure is ready for the vessel.

Also, accommodation and other shore side facilities at Port Askaig will be investigated as a priority to support the Argyll & Bute Council run Jura service.

To prepare the passenger only access pontoon and gangway tender, a topographic survey has been carried out to supplement the hydrographic information. The tender documents are being finalised now with a view to the access being in place as soon as possible.

4.2.6 **Gigha & Tayinloan**

SVRP vessel no 7 of 7 is expected Q4 of 2028. Feasibility study will be concluded to confirm the shore power requirements can be met on the island. An EIA has commenced, to be ready for the detailed design and associated licences to be progressed.

4.3 Other ongoing plans include:

4.3.1 **Campbeltown Pier extension**

Feasibility study has been completed with consultants and CMAL for a potential extension and / or strengthening of Campbeltown New Quay.

4.3.2 **Rothesay Harbour Quay stabilisation works**

Following failed tenders for piling and grouting works at Rothesay Quay, consultants have assisted in developing new methodology which will reduce the contract risk and provide the required results for the stabilisation of the quayside. A further tender exercise will follow when preparations are completed.

- 4.4 Funding for Piers & Harbours is mainly provided by Prudential borrowing paid back through fees and charges, however external funding can also be sourced through capital grants, shared cost agreements and funds made available for specific projects.

The Marine Asset Management Plan is an adaptable plan fed into by changing priorities and circumstances. It also relies on steady and predictable income from those ferry services utilising Argyll & Bute Council infrastructure.

Costs will be best estimated and closely watched for best value. Rising prices and availability of resources are risks which will need to be monitored in each of the projects and forecasts adjusted accordingly.

- 4.5 It will be apparent from the Marine Asset Management Plan that works are concentrated within the next 5 years.

This is mainly a result of the replacement of CMAL fleet for CFL/ CalMac services which require Argyll and Bute Council infrastructure to be upgraded before the arrival of the vessels for the service.

5.0 CONCLUSION

- 5.1 This report provides Members with an update on various marine infrastructure projects from the Argyll & Bute Council's Marine Asset Management Plan, some future projects in development and a value for the works planned in the coming financial year.

6.0 IMPLICATIONS

- 6.1 Policy

None directly arising from this report.

- 6.2 Financial

The increases to fees and charges proposed at the December Harbour Board will ensure that future income is sufficient to maintain and develop Argyll & Bute Council marine assets for the coming year. Further increases or alternative funding routes will be required to sustain the proposed projects in future years.

- 6.3 Legal

Considered to be none directly arising from this report.

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

Completed works and projects will enhance service reliability and community connectivity

6.6 Climate Change - there are no direct impacts in regard to climate change from this report, 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

Completed works will reduce the repair and maintenance on existing infrastructure

External influences may come to bear on ferry usage patterns which may, in turn, impact on income from ferry fees and charges i.e. Vessel breakdowns and redeployments, Environmental issues (car use), Brexit, Covid 19 and potential changes in RET. This will pose a potential risk to income.

6.8 Customer Service

An overall improvement in travel experience and reliability should result with improved and maintained infrastructure.

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August 2023

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Harbour Board Work Plan 2023-2024

This is an outline plan to facilitate forward planning of reports to the Harbour Board.

Date	Report Designation	Lead Service/ Officer	Regularity of occurrence/ consideration	Date of Reports to Committee Services	Additional Comment
31 August 2023					
	Oban Harbour Update	Marine Operations	Bi-Annual	8 August 2023	
	Port Marine Safety Code	Marine Operations	Bi-Annual	8 August 2023	
	Piers and Harbours - Marine Asset Management Plan	Marine Operations	Bi-Annual	8 August 2023	
29 February 2024					
	Oban Bay Update	Marine Operations	Bi-Annual	6 February 2024	
	Marine Asset Management Plan	Marine Operations	Bi-Annual	6 February 2024	
	Port Marine Safety Code	Marine Operations	Bi-Annual	6 February 2024	
Future Reports – dates to be determined					
	Community Groups & Berthing Dues				
	Review of Marine Services Working Practices				
	Crane Provision at Campbeltown				

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