

Public Document Pack

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

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14 March 2024

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, 21 MARCH 2024 at 1:00 PM**, or at the conclusion of the Environment, Development and Infrastructure Committee at 10.30am, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
 2. **DECLARATIONS OF INTEREST (IF ANY)**
 3. **MINUTES**
 - (a) Argyll and Bute Harbour Board held on 31 August 2023 (Pages 3 - 6)
 - (b) Special Argyll and Bute Harbour Board held on 31 January 2024 (Pages 7 - 10)
 4. **PORT MARINE SAFETY CODE** (Pages 11 - 130)
Report by Executive Director with responsibility for Roads and Infrastructure Services
 5. **MARINE ASSET MANAGEMENT PLAN** (Pages 131 - 138)
Report by Executive Director with responsibility for Roads and Infrastructure Services
- REPORTS FOR NOTING**
6. **OBAN HARBOUR REVISION ORDER - CLARIFICATION FOR NOTING**
(Pages 139 - 142)
Report by Executive Director with responsibility for Development and Infrastructure
 7. **ARGYLL AND BUTE HARBOUR BOARD WORKPLAN** (Pages 143 - 144)

Argyll and Bute Harbour Board

Councillor Fiona Howard	Councillor John Armour
Councillor Garret Corner	Councillor Amanda Hampsey
Councillor Andrew Kain (Chair)	Councillor Jim Lynch
Councillor Ross Moreland (Vice-Chair)	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, 31 AUGUST 2023

Present: Councillor Andrew Kain (Chair)

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

Attending: Kirsty Flanagan, Executive Director
Douglas Hendry, Executive Director
David Logan, Head of Legal and Regulatory Support
Jim Smith, Head of Roads and Infrastructure Services
Scott Reid, Marine Operations Manager
Stuart McLean, Committee Manager
Ross Wilson, Oban Community Harbour Development Association
Phil Hamerton, Oban Community Harbour Development Association
Frank Roberts, Oban Community Harbour Development Association

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ian MacQuire.

DEPUTATION

The Chair advised that a request for a deputation to be heard at this meeting had been received on behalf of Oban Community Harbour Development Association, in relation to elements of item 4 on the Agenda 'Oban Harbour Update'.

The Harbour Board unanimously agreed to hear the deputation at this point in proceedings, and in this respect the Board heard the deputation and Members were afforded the opportunity to ask questions.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minutes of the meeting of the Argyll and Bute Harbour Board held on 2 March 2023 were approved as a correct record.

4. OBAN HARBOUR 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.

Decision

The Argyll and Bute Harbour Board –

1. noted the update provided in the submitted report;
2. agreed the final draft Harbour Revision Order for submission to Transport Scotland;
and
3. agreed the Terms of Reference for the consultative bodies appended to the submitted report.

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

5. PORT MARINE SAFETY CODE

The Harbour Board gave consideration to a report providing an update on progress being made towards compliance with the Port Marine Safety Code (PMSC) and presenting the latest version of the Marine Safety Management System (MSMS) for approval and subsequent publication on the Argyll and Bute Council website.

Decision

The Argyll and Bute Harbour Board –

1. noted the content of the submitted report;
2. approved the future review, update and reporting procedure for the Marine Safety Management System 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;
3. noted the revised number of ports, harbours and marine facilities within the Council's jurisdiction following legislation review and consolidation;
4. approved the Policy Statements at Appendices A, B, C & D to the submitted report for inclusion and publication with the Marine Safety Management System; and
5. approved the new version (Volume I) of the Marine Safety Management System at Appendix E to the submitted report for publishing to the Council's website.

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

6. PIERS & 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 the Argyll and Bute Council's Marine Asset Management Plan;
2. noted that £9.2 million worth of capital works were underway 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 & CFL (Calmac Ferries Ltd) / CalMac fleet renewal.

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

7. ARGYLL AND BUTE 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 workplan.

(Reference: Draft Argyll and Bute Harbour Board Workplan dated August 2023, submitted)

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**MINUTES of SPECIAL MEETING of ARGYLL AND BUTE HARBOUR BOARD held BY
MICROSOFT TEAMS
on WEDNESDAY, 31 JANUARY 2024**

Present: Councillor Andrew Kain (Chair)

Councillor Fiona Howard
Councillor John Armour
Councillor Garret Corner

Councillor Jim Lynch
Councillor Ross Moreland
Councillor Andrew Vennard

Attending: Kirsty Flanagan, Executive Director
Douglas Hendry, Executive Director
Jim Smith, Head of Roads and Infrastructure Services
Scott Reid, Marine Operations Manager
Stuart McLean, Committee Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Amanda Hampsey.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. OBAN HARBOUR REVISION ORDER 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 also detailed the formal consultation process to make the Order.

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 January 2024, submitted)

* **4. PIERS AND HARBOURS - OBAN HARBOUR - COSTS AND CONSERVANCY**

The Harbour Board gave consideration to a report that outlined the costs and associated reasonable charges (conservancy charge) for the running and maintenance of an expanded Oban Harbour, as defined in the Harbour Revision Order (HRO), which was currently under process with Transport Scotland.

Decision

The Argyll and Bute Harbour Board agreed to recommend to Council in the event that the Harbour Revision Order (HRO) is made -

1. that when setting the fees and charges for 2024 / 2025 it approves, for vessels with a Gross Registered Tonnage (GRT) over 50 registered tonnage, a baseline Conservancy Charge of 7p / GRT to generate sufficient income to run, maintain and develop Oban Harbour and the Council's marine infrastructure;
2. to agree that CalMac ferries have a reduced rate of 2p / GRT due to the reasons detailed in the submitted report;
3. to note that this represents a figure for the first year only and that it should be assessed for effectiveness each year and adjusted accordingly;
4. to agree that the adjusted conservancy charge is to be assessed, reported and approved annually in line with the Marine Fees and Charges and is to be included in that report for the Harbour Board for recommendation to Council; and
5. to agree that the vessel types listed in the report at paragraph 4.3 should be exempt from transit or 'Conservancy' charges.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated January 2024, submitted)

* **5. PIERS AND HARBOURS - MARINE ASSET MANAGEMENT PLAN FEES AND CHARGES 2024/2025**

The Harbour Board gave consideration to a report proposing the necessary increase in fees and charges for the forthcoming financial year 2024/25 in order to meet the requirements for the Argyll and Bute Council Asset Management Plan referenced in the report considered by the Harbour Board in August 2023.

Decision

The Argyll and Bute Harbour Board –

1. agreed to recommend to the Council, when setting the fees and charges for 2024 / 2025 that it approves an increase to piers and harbours fees and charges of 3% to generate sufficient income to develop the Council's marine infrastructure;
2. noted that this presents a stepped "proposed increase to allow smoothing" over a 10 year period for meeting both the sustainability costs and future improvement costs associated with the marine infrastructure which Argyll and Bute Council has responsibility for; and
3. agreed that the asset management plan would continue to be updated on a rolling 10 year basis.

(Reference: Report by Executive Director with responsibility for Roads and Infrastructure Services dated January 2024, submitted)

6. OBAN HARBOUR REVISION ORDER - CLARIFICATION FOR NOTING

A report clarifying comments made in an earlier report of 31 August 2023 to the Harbour Board was before the Board for noting.

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 dated January 2024, submitted)

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ARGYLL AND BUTE COUNCIL

ARGYLL & BUTE HARBOUR BOARD

ROADS AND INFRASTRUCTURE SERVICES

21 MARCH 2024

PORT MARINE SAFETY CODE

1.0 INTRODUCTION

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

2.0 RECOMMENDATIONS

- 2.1 Members of the Harbour Board are asked to:-
 - 2.1.1 Note and consider this report;
 - 2.1.2 Approve the Moorings Policy for inclusion with the Marine Safety Management System (MSMS); and
 - 2.1.3 Approve the new Marine Safety Plan for 2024 to 2026.

3.0 DETAIL

- 3.1 **Statutory Harbour Authority areas**

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

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

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

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

3. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'. In addition, the Council is also the Competent Harbour Authority in respect of Pilotage, under the requirements of the Pilotage Act 1987, at Campbeltown Harbour.

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

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

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

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

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

3.2 New Marine Safety Plan

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

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

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

3.2.3 The Plan is developed for a fixed 3 year period and contains the targets set and agreed by the service for the period from 2024 to 2026.
The targets are an important indicator of intent and performance and will be reported annually, as well as being published annually on the Council's website.

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

3.3 Moorings Policy

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

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

To date the Policies approved by the Harbour Board are:

Marine Conservancy & Hydrographic Policy;

Navigational Safety, Pilotage & Towage Policy;

Marine Training Policy; and

Enforcement Policy.

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

3.4 Compliance with the PMSC

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

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

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

The Audit Report can be read at Appendix 4

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

3.5 Improvement Action Plan

- 3.5.1 The PMSC Assurance Audit process is designed to provide a process of continuous improvement and learning. A Remedial Measures Action Plan was created following previous audits. In summary, the non-compliance issues have been addressed and Argyll & Bute Council can be said to meet the requirements of the Port Marine Safety Code.
- 3.5.2 An Improvement Action Plan will be produced and reported to the Duty Holder and Harbour Board with the current Audit recommendations prioritised.

4.0 CONCLUSION

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

5.0 IMPLICATIONS

6.1 Policy

None directly arising from this report.

6.2 Financial

None arising from this report

6.3 Legal

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

6.4 HR

None

6.5 Fairer Scotland Duty:

6.5.1 Equalities - protected characteristics

None arising from this report.

6.5.2 Socio-economic Duty

None directly arising from this report.

6.5.3 Islands

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

6.6 Climate Change

Due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.

6.7 Risk

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

6.8 Customer Service

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

6.9 The Rights of the Child (UNCRC)

None directly arising from this report.

Kirsty Flanagan

Executive Director with responsibility for Roads and Infrastructure Services

Policy Lead Councillor Andrew Kane

FEBRUARY 2024

For further information contact:

Scott Reid, Marine Operations Manager Tel: 01546 604 696

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APPENDICES

Appendix 1

Argyll & Bute Council Marine Safety Plan 2024 to 2026

Appendix 2

Moorings Policy

Appendix 3

Designated Person Audit Report – Rothesay

Appendix 4

Designated Person Audit Report – Islay

Appendix 5

Designated Person Annual Report

ARGYLL & BUTE COUNCIL MARINE SAFETY PLAN



Introduction

The Port Marine Safety Code (PMSC) sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses or works in the port marine environment.

Marine Safety Management System

Argyll & Bute Council achieves compliance with the PMSC through the implementation, compliance, review and monitoring of its Marine Safety Management System (MSMS). The MSMS is comprised of policies, manuals, procedures and reports that seek to enhance safety.

As required by the PMSC, Argyll & Bute Council publishes its Safety Plan for Marine Operations every three years. This plan covers the period 2024 to 2026 inclusive. It confirms Argyll & Bute Council's commitment to undertaking the proper management and regulation of marine operations within the scope of its powers and authority.

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

The SHA locations are:

1. Bruichladdich Pier, by virtue of the 'Islay Piers Order, 1904'.
2. Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
3. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'. In addition, the Council is also the Competent Harbour Authority in respect of Pilotage, under the requirements of the Pilotage Act 1987, at Campbeltown Harbour.
4. Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.
5. Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
6. Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
7. Port Askaig, by virtue of the 'Port Askaig Acts and Order 1904 to 1975'.
8. Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.

Policies

The Council, as Harbour Authority, recognises that it has a duty of care to those using its ports, harbours and piers; which means the Council has an obligation for safe and efficient use of its marine facilities.

To this end, Argyll & Bute Council's Harbour Board has approved a set of policies in support of the management and regulation of marine operations at our facilities which are embedded in the MSMS.

The policies are:

- Marine Conservancy & Hydrographic Policy;
- Navigational Safety, Pilotage & Towing Policy;
- Marine Training Policy;
- Enforcement Policy; and
- Moorings Policy.

Standing Objectives

The following 2024 – 2026 objectives support the ongoing improvement plan for Argyll & Bute Council Ports and Harbours.

This plan is owned by the Marine Operations Manager, on behalf of the Duty Holder, and aims to address high level improvement targets which will benefit all port and harbour locations and fulfil the requirement of the PMSC for the Duty Holder to maintain a 'Marine Safety Plan'.

2024 - 2026 Marine Safety Plan

Number	Provision / Activity	Objective	Measure	Year 1 - '24	Year 2 - '25	Year 3 - '26
1	Duty Holder	Duty Holders to have received training on their role and responsibility under the Code in the last three years	100% of Duty Holders trained	New Harbour Board Members to have training arranged		
		Duty Holders to have undertaken an operational tour of a Council Port or Harbour in the last three years	100% of Duty Holders undertaken an awareness tour	To be arranged with Members		
2	Designated Person	External Audit completed at one Port or Harbour per year	Annual	Due at Comletown & Caradale		
		Report to the Duty Holder at least once per year	Annual	Due at March Harbour Board		
3	Legislation	Review legal duties and powers at least once every three years	Three years	Due to review		
4	Duties and Powers	MAIB Reportable Incidents: make all reports to the MAIB within 24hrs, with investigation follow up	24hrs initial report, investigation sent at incident close	Due to review		
		Incident investigation: close out all incidents on MarNIS in accordance with defined procedures and closed out within an agreed timeframe.	Close out Incidents on according to nature and severity of Incident: 1 week for minor incidents and 1 month for more serious incidents that may involve other parties	Due to review		
5	Risk Assessment	All Marine Risk Assessments to be in- date	All Marine Risk Assessments to be reviewed in accordance with defined procedures	Due to review		
6	MSMS	The Marine Management Team will undertake a formal review and re-issue the marine policies on a three-yearly basis.	Three years	Policy review due		
		The Marine Safety Management System will be reviewed annually (or following any significant industry changes)	Annual	Due to review		
7	Review and Audit	Complete internal audits to the three-yearly schedule	Complete reviews and internal audits	Due to review		
8	Competence	Ensure staff with marine safety responsibilities are trained to undertake their duties	100% of mandatory training completed	To be published following checks		
9	Plan	Publish a three yearly 'Marine Safety Plan' (this plan)	Published and in-date	To be published following approval		
		Publish an assessment of the organisation's performance against the last period plan	Published review	Review due		
10	Conservancy	Aids to Navigation: Three-year performance meets or exceed IALA performance threshold	Cat 1 = 99.9% Cat 2 = 99.0% Cat 3 = 97.0%	Cat 1 = N/A, Cat 2 = 99.84%, Cat 3 = 100%	Report due	
		Hydrographic Survey set out in a survey plan	Surveys conducted to planned dates	Due to review		
		Hydrographic Survey publish within target timescale	Within one month of survey date	Due to review		

Moorings Policy

1. Introduction

To manage moorings within Argyll and Bute Council Harbour Authority areas a licensing system is in operation. A properly licensed and consented mooring provides security of tenure for boat owners while protecting the interests of other marine users.

Navigation in coastal waters is a public right, including casting an anchor while in the course of navigation. The laying of a permanent mooring or other equipment to hold a vessel, however, is not part of the public right and requires Crown Estate consent.

There are three types of Crown Estate Scotland mooring licence:

Individual Mooring Licence, suitable for private individuals.

Commercial Mooring Licence, for those operating a business utilising the mooring(s), such as ferry operators, boatyards, charter boats and diving vessels.

Mooring Association Licence, once established, a Mooring Association is given a lease for an area of seabed enabling it to manage the moorings in their specific area. The advantage of being part of a Mooring Association is that the annual charge is half the standard charge per mooring for groups of ten or more.

Although a mooring licence from Crown Estate Scotland runs indefinitely (provided the annual fee payment is made) the licence holder or Crown Estate Scotland can bring it to an end at any time by giving the relevant notice of termination, as will be set out in the Mooring Licence.

2. Argyll and Bute Council as Harbour Authority

As well as the licence from Crown Estate Scotland, applicants will need to apply for statutory navigation consent from the Harbour Authority Harbour Master. The purpose of the navigation consent is to ensure that installing the mooring(s) will not constitute a hazard to navigation.

Argyll and Bute Council as Harbour Authority:

- a) Will not take the role currently carried out by Crown Estates who are and will remain the owners and managers of the seabed in Argyll and Bute Council Harbour Authority areas.
- b) Licences issued by Crown Estates for moorings are and will remain valid, irrespective of the Harbour Authority, whether for individual, commercial or mooring association administered moorings.
- c) There will be no additional charge made by the Harbour Authority for existing moorings.
- d) Renewal of Crown Estates licences for existing registered moorings will not be subject to any charge from the Harbour Authority.

e) Any new mooring applications made to Crown Estates will be granted consent so long as there are no objections or conflict to safe navigation for harbour users. The Harbour Authority may charge for the administration of new mooring applications in the future.

Note: Argyll and Bute Council fees and charges are set annually by the Council.

f) Conflicts of interest and objections can be raised, discussed and mediated through the stakeholder user's forum and the Harbour Master.

Kirsty Flanagan

Executive Director and Duty Holder

Development and Infrastructure Services

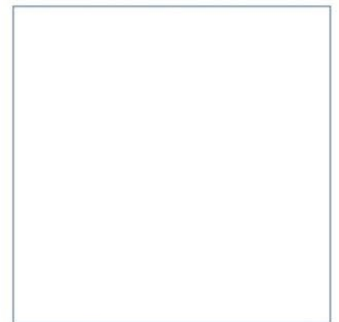
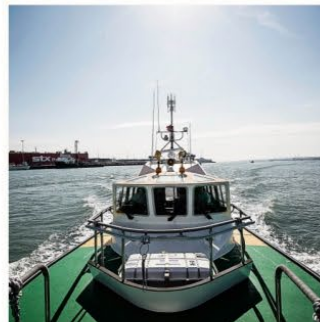
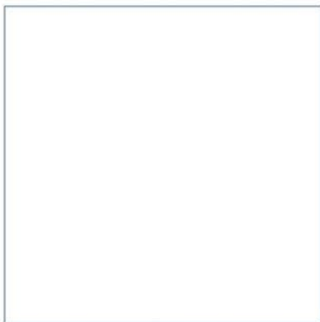
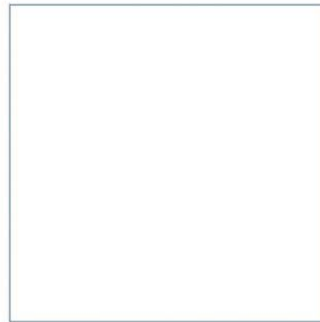
Argyll and Bute Council

Argyll and Bute Council

Port Marine Safety Code

Audit: Rothesay 2023

January 2024



Innovative Thinking - Sustainable Solutions

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Port Marine Safety Code

Audit: Rothesay 2023




January 2024



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Authorised (Designated Person)	Approved (Quality Manager)	Authorised (Project Director)
Monty Smedley	Capt. Trevor Auld	Gordon Osborn
		

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1 The Port Marine Safety Code

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

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

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

(DfT, 2016)

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

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.	1.6-1.8, 1.10, 1.16-1.17
2	Designated Person	A 'Designated Person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the Duty Holder.	1.11-1.12
3	Legislation	The Duty Holder must review and be aware of their existing powers based on local and national legislation; seeking additional powers if required in order to promote safe navigation.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
9	Plan	Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan at least every 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

1.1 About the Harbour Authority

Rothesay Harbour is situated on the south side of Rothesay Bay on the Isle of Bute. Argyll and Bute Council (A&BC) is the Statutory Harbour Authority (SHA) for Rothesay Harbour with an area defined in the Rothesay Harbour Order 1867. The harbour limits as recorded by Marine Scotland's database are shown in Figure 1. A&BC is also the Local Lighthouse Authority (LLA) with respect to aids to navigation through Section 193 of the Merchant Shipping Act 1995. A&BC is not a Competent Harbour Authority.

Rothesay is an important ferry hub, with 11,250 ferry movements and 630,000 passengers recorded in 2022. The harbour is formed of a main pier, with an outer berthing face of 170 m consisting of the Ferry Berth (linkspan berth) and the West Berth, which extends across the head of the Bay. This pier provides shelter for two basins termed the Inner Harbour and Outer Harbour, both of which have fixed pontoons providing 68 berths for smaller craft, operated by the Bute Berthing Company. The pontoons are also used by tenders from Cruise vessels on scheduled visits. The West arm has a berth on its southern side capable of accommodating small vessels up to 35 m length overall (LOA). The south side of the ferry (linkspan) berth is the fish quay, which predominantly caters for resident and visiting fishing vessels, but is also occasionally used by workboats.

The main harbour users are the CalMac Ferry Limited (CFL) ferry, operating 16 movements per day between Rothesay and Wemyss Bay. Two ferries operate on the service, both of which berth at Rothesay overnight on the linkspan berth and West Berth. The Harbour has a slipway at the root of the pier, but this is no longer in use. Two further slipways are located along the town frontage, outside of the immediate harbour but within the SHA harbour limits. Small craft, tenders, kayaks and beach launched craft operate from the slipways along the Harbour Promenade. Vessels also anchor in Rothesay Bay, within the SHA limits.



Source: Esri, DigitalGlobe, GeoEye. Contains information from the Scottish Government (Marine Scotland)

Figure 1. Rothesay Harbour Limits

2 Purpose and Method

2.1 Audit scope

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

2.2 Audit definitions and outcomes

The following definitions are used in the audit report:

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

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

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

2.2.1 Outcomes

The audit report uses the following outcomes:



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



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



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

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

2.3 Audit date and criteria

The audit was carried out onsite at Rothesay Harbour on 12 October 2023. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), has been used as the benchmarking standard within Appendix A. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

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

2.4 Auditor

The following auditor conducted this audit.




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

2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Allan Finlay	AF	Piers and Harbours – Technical Officer
Julie Hendry	JH	Marine Operations – Admin Officer
Peter Welsh	PW	Rothesay – Harbour Master
Scott Reid	SR	Marine Operations Manager

3 Audit Summary

Number	Key Measures Ten-Point 'Health Check'			
1	Duty Holder	0	2	5
2	Designated Person	0	0	2
3	Legislation	0	2	6
4	Duties and Powers	0	9	37
5	Risk Assessment	0	2	5
6	MSMS	0	1	10
7	Review and Audit	0	0	4
8	Competence	0	3	2
9	Plan	0	0	3
10	Aids to Navigation	0	0	2
Total		0	19	76

The summary presented in the above table identifies that, for the ten-point health-check, Argyll and Bute Council as the Statutory Harbour Authority for Rothesay Harbour is found to be **fully compliant** with the requirements of the Port Marine Safety Code.

The following three areas of best practice were found during the audit:

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

The PMSC audit identified 19 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. The following points identify the more significant items:

- Not all Councillors on the Harbour Board have attended Duty Holder training, the Marine Safety Plan has an objective of 100% attendance. It is recommended that members of the Harbour Board who have not attend Duty Holder training, complete this training as soon as practical.
- All the assessments at Rothesay had the same revision date. Staggering Marine Risk Assessments reviews is considered best practice.
- Whilst Council staff are actively engaged in risk assessment reviews, there is limited evidence of wider stakeholder consultation and engagement in risk assessment reviews. The experience and knowledge of harbour users should be sought, and their engagement documented in the risk assessments.

- Line managers are responsible for keeping records up to date, there is no assurance that a full set of training records are held centrally. It is recommended that a full internal audit/check of certification against role is conducted. This should confirm that all mandatory training is held, or courses are booked, with certification held centrally.
- The 1901 Byelaws are considered to be, for the most part, outdated. Additionally, the level of fine does not act as a deterrent. Options are to replace with General Direction powers and/or repeal and replace with a modernised byelaw set.
- There is no SOP detailing how Special Directions are given or recorded by the Harbour Master, relayed via LPS, or otherwise.
- The Council does not have a formalised process for checking commercially operated Coded vessels at its ports, harbours or piers. It is recommended that the Council considers the requirements of the GtGP (Section 11.3, 11.4) with respect to regulating third party commercial workboats and launches within its area of jurisdiction and creates a registration scheme for workboats using the Authority's area.

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

- In the Inner Harbour, water egress from around the pontoons does not always meet the requirement from the Approved Code of Practice (ACOP) 'Safety In Docks' (HSE, 2014) Section 219, which states a minimum spacing of 85 m for ladders with a means of support at intervals of 30 m.
- Bollards on the eastern end of the main pier (roundhead) and fish quay bollards were not numbered nor were Safe Working Loads (SWL) identified.
- The fish quay accommodates smaller vessels such as fishing boats and workboats where the lines will run over the quay edge. It may be useful to add chaffing rails or wooden protection to the quay edge.

4 References

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

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

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

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

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

Port Skills and Safety (PSS), 2019a. Guidance on Mooring, SIP 005. March 2019.

Port Skills and Safety (PSS), 2019b. Guidance on Safe Access and Egress, SIP 014. September 2019.

4.1 Websites

https://www.argyll-bute.gov.uk/sites/default/files/2023-05/dp_contact_information3_abc.pdf

<https://www.argyll-bute.gov.uk/moderngov/ielssueDetails.aspx?IId=123876&PlanId=0&Opt=3#A1150723>

<http://www.buteberthing.com/index.html>

<https://www.argyll-bute.gov.uk/sites/default/files/2023-11/Marine%20Training%20Policy.pdf>

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

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

<https://www.peelports.com/media/kmujrfju/cntm-02-22-general-directions-pilotage.pdf>

<http://www.buteberthing.com/marina-user-guidance-notes.html>

<https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/rothesay-harbour>

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

5 Abbreviations/Acronyms

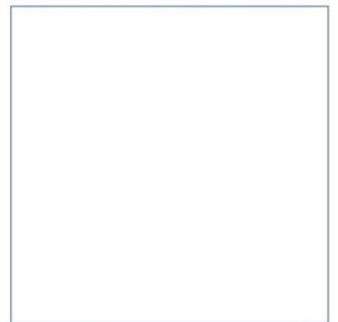
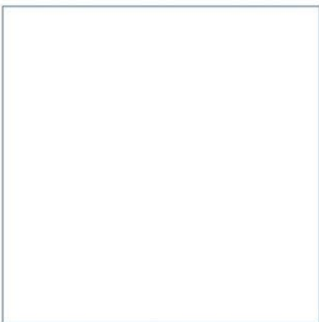
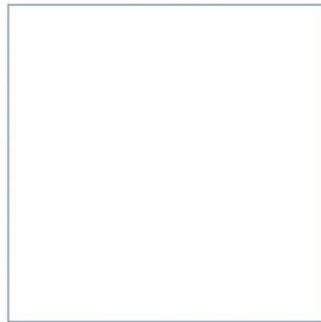
A&BC	Argyll and Bute Council
ACOP	Approved Code of Practice and Guidance
ALRS	Admiralty List of Radio Signals
AtoN	Aid(s) to Navigation
CARP	Critical Activity Recover Plan
CAT	Category
CERS	Consolidated European Reporting System
CFL	CalMac Ferries Limited
CHA	Competent Harbour Authority
DfT	Department for Transport
DRA	Dynamic Risk Assessment
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act 1847
HRO	Harbour Revision Order
HSE	Health and Safety Executive
IMO	International Maritime Organization
ISO	International Organization for Standardization
ISPS	International Ship and Port Facility
KPI	Key Performance Indicator
LATON	Local Aids to Navigation
LLA	Local Lighthouse Authority
LOA	Length Overall
LPS	Local Port Service
LSE	Lifesaving Equipment
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MARNIS	Marine Risk Software Produced by ABPmer
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MSMS	Marine Safety Management System
n/a	Not Applicable
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
PEC	Pilotage Exemption Certificates
PFSP	Port Facility Security Plan
PMSC	Port Marine Safety Code
PSS	Port Skills and Safety
QMS	Quality Management System
RAMS	Risk Assessment Method Statement
RATSA	Railways and Transportation Safety Act
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency
SHA	Statutory Harbour Authority
SIP	Safety in Port
SOPs	Standard Operating Procedures
SOSREP	Secretary of State's Representative
SPA	Special Protection Areas

SWL	Safe Working Load
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency
VTS	Vessel Traffic Service

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

Appendices



Innovative Thinking - Sustainable Solutions

A Detailed Audit Findings

A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation’s Duty of Care for users of the harbour, port of facility stated?	Satisfactory – A&BC’s Marine Safety Management System (MSMS), ‘Policies and Statements’, Volume 1, revision 01, issued November 2023. The MSMS, Section 3.1 under National Legislation states: <i>“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”</i> . Additionally, Section 10 ‘Conservancy’ also states that: <i>“There is a duty to conserve a harbour so that it is reasonably fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for vessels to use.”</i>		MJS_001	MJS
		Are local Acts and Orders identified?	Satisfactory – the harbour authority has a copy of its local legislation. Local Acts and Orders 1831 to 1983 include: <ul style="list-style-type: none"> ▪ Rothesay Harbour Act 1831. ▪ Rothesay Harbour Order 1867 ▪ Rothesay Harbour Order 1882 ▪ Rothesay Harbour Order 1898 ▪ Rothesay Harbour Order 1908 ▪ Rothesay Harbour Order Confirmation Act, 1937. ▪ Rothesay Harbour Revision Order, 1983. 		MJS_008 MJS_009 MJS_010	MJS
		Is the Harbour, Docks and Piers Clauses Act (HDPCA) 1847 incorporated into local Acts and Orders?	Satisfactory – the HDPCA has been incorporated, as referenced in the Section 3(2) of the 1937 Act, to include the whole of the HDPCA 1847, with the exception of Clauses 6-13, 16-19, 23, 25, 26, 77-80, 84, 85, 95-101.		MJS_008 MJS_009 MJS_010	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.6 – 1.7	The Duty Holder	Has the organisation appointed and confirmed who the Duty Holder is?	Satisfactory – A&BC has assigned the post and accountability of the Duty Holder to the Council's Executive Director of Development and Infrastructure Services. The Harbour Board retains responsibility for providing policy direction to the officers of the Authority. An organisational structure is provided the MSMS, Section 1.6.		MJS_001	MJS
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	Satisfactory – the MSMS, Section 1.4 lists the principal requirements of the Duty Holder.		MJS_001	MJS
1.10	The Duty Holder	Does the Duty Holder (and Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	<p>Satisfactory – the Harbour Board and Duty Holder receive information from officers of the Authority, presented as technical reports to Board Meetings. Periodically the Harbour Board and Duty Holder visit one of the Councils ports, harbours or piers. The last Oban visit was on 24 September 2021. The Harbour Board were also invited to the Campbeltown Emergency Response Exercise in November 2021. The MSMS is provided on the Council's website.</p> <p>Observation – the Council is encouraged to arrange an opportunity in 2024 for the Duty Holder and Board to visit one of the Authority's ports, harbours or piers.</p>	<p>Recommendation – to provide awareness of the Council's ports, harbours and piers, arrange an annual visit for the Duty Holder and Board.</p>	MJS_001	MJS
		Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	<p>Satisfactory – six (of the eight) Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended training run on 05 September 2022.</p> <p>Observation – not all Councillors on the Harbour Board have attended Duty Holder training, the Marine Safety Plan has an objective of 100% attendance.</p>	<p>Recommendation – that members of the Harbour Board who have not attend Duty Holder training, complete this training as soon as practical.</p>	MJS_011	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	Satisfactory – the Duty Holder has appointed ABPmer to provide Designated Person services, with Monty Smedley as the named Designated Person. This contract commenced on 01 November 2021. The Designated Person’s contact details are hosted on the Council’s website.		https://www.argyll-bute.gov.uk/sites/default/files/2023-05/dp_contact_information3_abc.pdf	MJS
		Is the Designated Person’s role explained in the MSMS?	Satisfactory – the MSMS, Section 2.0 lists the duties of the Designated Person.		MJS_001	MJS
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 1.6.1 lists the responsibilities of the ‘Head of Roads and Infrastructure Services’, and Section 1.6.2 lists the responsibilities of the ‘Marine Operations Manager’.		MJS_001	MJS
		How is marine safety funded within the organisation?	Satisfactory – funding is identified and agreed through the Council’s approvals process. Officers of the Authority have delegated spending powers within their spending limits. All significant funding decision outside of spending limits come to the Harbour Board, officers of the Authority provide technical input to Harbour Board decisions.		n/a	MJS
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 2.5 states that: <i>“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”</i> . Section 1.6.4 lists specific duties. Additionally, the Council also appoints Pier Masters in selected locations, the duties of which are identified in Section 1.6.5.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.9, 1.14 – 1.15	Cont. Harbour Master	Does an officer with responsibilities for marine safety attend Board meetings?	Satisfactory – three times a year, a report is provided by the Executive Director with responsibility for Roads and Infrastructure Services; major issues are raised to the Harbour Board. Evidence from the Harbour Board meeting of 31 August 2023 identifies reports including the Oban Harbour Update, Port Marine Safety Code Update, Piers and Harbours marine asset management plan and the Argyll and Bute Harbour Board Workplan.		MJS_012 MJS_013 https://www.argyll-bute.gov.uk/sites/default/files/2023-05/dp_contact_information3_abc.pdf	MJS
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	Satisfactory – the MSMS, Section 1.6.3 lists the responsibilities of the Marine Technical Officer, and Section 1.6.6 provides detail on the Council's Assistant Harbour Masters.		MJS_001	MJS

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

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> MAIB digest / reports MCA health check trends 	Satisfactory – the MCA Health Checks trends was included in the Designated Person’s briefing note which was tabled at the 02 September 2021 Harbour Board meeting. Information from the MAIB and the BPA in the former of safety circulars are distributed by the Marine Operations Admin Officer. Evidence sighted.		MJS_014 https://www.argyll-bute.gov.uk/moderngov/ielssueDetails.aspx?Ild=123876&PlanId=0&Opt=3#AI150723	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	Satisfactory – the Harbour Authority has a list of local Acts and Orders for Rothesay.		MJS_008 MJS_009 MJS_010	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	Satisfactory – the MSMS, Section 3.2, has a list relevant local Acts or Orders. Rothesay has local copies.		MJS_001	MJS
		Have the Harbour Authority’s existing powers been reviewed?	Satisfactory – the harbour acts have been reviewed by A&BC lawyers. Recommendations for update have been presented to the Council and a Harbour Revision Order (HRO) consolidation process initiated. Evidence provided.		MJS_015 MJS_016 MJS_017	MJS
		Is the organisation’s jurisdiction mapped and clear?	Satisfactory – the Harbour Authority has a list of local Acts and Orders for Rothesay, plus a map with the extent of the harbour limits shown. Observation – the harbour limits on the chart (Admiralty Chart Number 1867 ‘Firth of Clyde, Hunterston Channel and Rothesay Sound’, Rothesay Sound Panel A) does not match the information held by Marine Scotland. The Rothesay Harbour Order 1867, Schedule 5, Section 7 details the harbour limits.	Recommendation – providing the boundaries to the UK Hydrographic Office including descriptions from the 1896 Act, Sections 22 and 18 requesting update of the harbour limits.	MJS_018	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Have risks associated with marine operations been assessed and a means of controlling them deployed?	<p>Satisfactory – the MSMS, Section 5 describes the assessment methodology. A set of 17 risk assessments are in place for the harbour, all assessments were in-date at the time of audit. Review dates were completed in August 2023. The hazard scenarios cover a range of foreseeable eventualities based on current harbour activities. NS0003 for Vessel Wash and NS0011 for Fire/Explosion reviewed in detail. Additionally, a set of 25 Occupational Health and Safety Risk assessments are in place and circulated to Pier Operatives.</p> <p>Observation – staggering review dates for Marine Risk Assessments is considered best practice. All the assessments at Rothesay had the same revision date.</p>	<p>Recommendation – that a staggered approach to risk assessment review is adopted, on a cyclic basis, over the year.</p>	MJS_019 MJS_020 MJS_021	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	<p>Satisfactory – the Harbour Master has undertaken a training course for marine risk completed on 02 September 2019. Certificate sighted.</p>		MJS_022	MJS
		Are stakeholders included in marine risk review/assessments?	<p>Satisfactory – risk assessments are conducted with the active involvement of the Pier Operatives. Notes of stakeholder engagement are recorded on individual risk assessments. Evidence seen from NS0003 for Vessel Wash and NS0011 for Fire/Explosion.</p> <p>Observation – whilst Council staff are actively engaged in risk assessment reviews, there is limited evidence of wider stakeholder consultation and engagement in risk assessment reviews.</p>	<p>Recommendation – the experience and knowledge of harbour users should be sought, and their engagement documented in the risk assessments.</p>	MJS_020 MJS_021	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	<p>Satisfactory – the MSMS, Section 5.1.3 states that: <i>“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”.</i></p>		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of Formal Risk Assessment (FRA)	Is a system of Dynamic Risk Assessment (DRA) used?	Satisfactory – the MSMS, Section 5.2 provides information on the DRA requirement. The Council has a DRA flowchart to aid decision making. At Rothesay, reporting cards are used to capture DRA risk outcomes. This is recognised as an area of best practice.		MJS_001 MJS_023 MJS_024 MJS_025	MJS
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	Satisfactory – A&BC’s Marine Safety Management System (MSMS), ‘Policies and Statements’, Volume 1, revision 01, issued November 2023. A revision history table is included, with a draft noted as being issued in January 2023. The MSMS was approved by the Harbour Board in August 2023. The MSMS, Section 7.1 under the sub-heading ‘periodic review’ identifies that: <i>“Additional to the above the Marine Safety Management System will be reviewed and reissued by the Marine Operations Manager every three years.”</i> Standard Operating Procedures (SOPs) are reviewed annual, with staff signing acknowledgement that they have read and understood the content. This is considered to be a best practice approach as it provides accountability and tracking.		MJS_001 MJS_051	MJS
2.15	Key Performance Indicators (KPIs)	Does the harbour authority detail KPIs and/or make a statement about performance in the organisation’s annual report?	Satisfactory – A&BC’s key performance indicators are detailed in the ‘Marine Safety Plan’ as measured objectives. The MSMS, Section 9.1 provides information on active and reactive system measurements.		MJS_001 MJS_007	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	Satisfactory – the MSMS, Section 1.6 ‘Marine Operational Management Structure’ details the assignment of responsibility to key officers of the Authority.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.17	MSMS Consultation	Are forum/consultation meetings held?	<p>Satisfactory – the ‘Navigational Safety, Pilotage and Towage Policy’ states that Argyll and Bute Council will: “Consult widely with port and other relevant stakeholders in respect of navigational safety issues.” At Rothesay, a harbour user six monthly meeting is held, with attendance from CalMac, Bute Berthing Company and other local stakeholders.</p> <p>Observation – the MSMS does not provide information on stakeholder engagement processes.</p>	<p>Recommendation – a section addressing stakeholder consultation is added the MSMS.</p>	<p>MJS_002 MJS_039</p> <p>http://www.buteberthing.com/index.html</p>	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p>Satisfactory – training records are held centrally, in a MS Excel sheet titled ‘Training Matrix July 2022’. The training matrix identifies dates training was completed for each member of staff. The MSMS, Section 8.1 states: “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”. Induction records sampled for Rothesay staff.</p> <p>Observation – it is not clear what the terms ‘Essential’ and ‘Required’ mean on the matrix.</p> <p>Observation – whilst line managers are responsible for keeping records up to date, there is no assurance that a full set of training records are held centrally.</p>	<p>Recommendation – provide definitions for the terms used on the matrix for the avoidance of doubt.</p> <p>Recommendation – a full internal audit/check of certification against role is conducted. This should confirm that all mandatory training is held, or courses are booked, with certification held centrally.</p>	<p>MJS_001 MJS_026 MJS_027</p>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.18	Cont. Competence standards	Is there a policy on revalidation or maintenance of qualifications in place?	Satisfactory – a Marine Training Policy is in place, dated v1 August 2023, and available for download from the A&BC website. The Marine Operations Admin Officer maintains a central record of training. Individual staff are identified with dates of training and certification held in day/month/year format. Observation – the training records do not clearly record, date taken and expiry date for qualifications	Recommendation – adding date taken and expiry date (named columns) to training records.	MJS_003 https://www.argyll-bute.gov.uk/sites/default/files/2023-11/Marine%20Training%20Policy.pdf	MJS
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation’s instruction regarding: <ul style="list-style-type: none"> ▪ reporting ▪ recording of incidents ▪ investigation ▪ enforcement (if relevant). 	Satisfactory – the MSMS Section 4.5 details the process to follow should an incident occur; this addresses investigation and reporting. A review of recent incidents identifies that all incidents held in MARNIS were closed and actioned, the following provides a summary of total per year: <ul style="list-style-type: none"> ▪ 5 incidents - 2023 ▪ 4 incidents - 2022 ▪ 3 incidents – 2021 ▪ 2 incidents – 2020 ▪ 2 incidents – 2019 		MJS_001 MJS_029 MJS_030	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	Satisfactory – the MSMS, Section 4.6 details actions to be taken in the event of death or crime. Information from the yacht ‘Nightjar’ evidenced regarding the involvement of the Police to investigate a skipper operating under the influence of drink or drugs.		MJS_001 MJS_030 Anecdotal	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	Satisfactory – the MSMS, Section 4.8 details statutory reporting requirements, incident reports are distributed to the Scottish Environment Protection Agency (SEPA) and the MCA. The last oil pollution incident reported to SEPA was 14 November 2021.		MJS_001 Anecdotal	MJS
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	Satisfactory – the MSMS, Section 4.8 details statutory reporting requirements, including the Marine Guidance Note (MGN) 564 ‘Incident reporting and investigation’. There have been no MAIB reportable incidents within A&BC’s SHA since MARNIS records commenced in 2017.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	Satisfactory – the last external audit of the MSMS was conducted in September 2022 at Oban (North Pier). The MSMS, Section 7.2 and 7.3 detail the audit process for A&BC.		MJS_001 MJS_031	MJS
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	Satisfactory – the MSMS, Section 4.9 provides the enforcement procedure.		MJS_001	MJS
		Is there a policy on enforcement and prosecution in place?	Satisfactory – A&BC publish an Enforcement and Prosecution policy, as version 1, dated August 2023.		MJS_004	MJS
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	Satisfactory – this requirement is evidenced through the publication of 'Navigational Safety, Pilotage and Towage Policy' and its Marine Safety Plan, published on A&BC's website.		https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/marine-safety-management-system	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	Satisfactory – the Marine Safety Plan contains an assessment of the previous plan.		MJS_007	MJS
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	Satisfactory – a signed and issued 'Marine Safety Plan' approved by the Harbour Board on 04 March 2021 is hosted on the A&BC's website. The plan covers the years 2021 to 2023.		MJS_007	MJS
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users?	See response in this Audit report, Section 2.17 on Consultation.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	Satisfactory – the Council wrote to the MCA on 10/03/21 to confirm its current state of compliance with the Code. Letter evidenced. The DfT list of ports reporting compliance does not include A&BC ports, harbours or marine facilities. This position has been taken by the DfT, guided by the MCA, as the Council has confirmed it was not (at that time) fully compliant with the requirements of the Code. At the time of writing the letter the Council was working towards full compliance in a number of key areas, including: legislation review, policy review, MSMS documentation and creation of Standard Operating Procedures (SOPs).		MJS_032 https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations with its jurisdiction comply with the requirements of the Code?	Satisfactory – there are no other Organisations within the Rothesay SHA area owning marine facilities. The Bute Berthing Company facilities are owned and maintained by the Council.		n/a	MJS

A.3 PMSC Section 3 – General Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	<p>Satisfactory – the MSMS, Section 9.0 'Marine Safety Plan' outlines the requirements from the Code and points to the 'Marine Safety Plan' to deliver this requirement.</p> <p>Observation – the Marine Safety Plan does not specifically mention 'safe and efficient port/marine operations', however, the items in the plan identify key performance indicators required to achieve this.</p>	<p>Recommendation – that the Marine Safety Plan has wording added at its next revision, to confirm how the Council delivers the requirement for delivering 'safe and efficient port/marine operations'.</p>	MJS_001 MJS_007	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty?	<p>Satisfactory – Rothesay Harbour has an Open Port Duty under Section 33 of the 'Harbours, Docks and Piers Clauses Act 1847'. This is included in the 'Rothesay Harbour Order Confirmation Act, 1937', Section 3(2).</p>		MJS_009	MJS
3.6 – 3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> ▪ Survey as necessary ▪ Place navigation marks ▪ Keep 'vigilant watch' for any seabed changes ▪ Keep hydrographic records ▪ Ensure hydrographic information is published ▪ Update UKHO. 	<p>Satisfactory – the MSMS, Section 10.0 providing information on the Council's approach to conservancy. This includes conservancy duty, hydrographic survey policy, dredging, Aids to Navigation (AtoN), wreck removal, dangerous vessels and licensing marine works. The MSMS, Section 10.1 details hydrography, with the last bathymetric survey was conducted on 28 April 2021. Information was passed by the survey contractor to UKHO, evidence seen.</p>		MJS_001 MJS_033	MJS
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	<p>Satisfactory – a bilateral agreement between A&BC and the UKHO is in place, dated 17 March 2017.</p>		MJS_034	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	Satisfactory – there is no evidence that A&BC as Harbour Authority at Rothesay has any powers to licence third party marine works under its local Acts and Orders. The ‘Rothesay Harbour Order Confirmation Act, 1937’, Section 5 provides powers to ‘make and maintain’ the works detailed in the Act. Mooring licences are required for individual and commercial moorings, via the Crown Estate, with navigation consent required from A&BC as the SHA.		MJS_009 MJS_052 MJS_053 MJS_054	MJS
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> ▪ Nature conservation Section 48A of Harbours Act 1964 ▪ Obligations for SPA, SACs under Habitat Regs. ▪ the Nature Conservation (Scotland) Act 2004 	Satisfactory – the MSMS, Section 3.1 lists National legislation, including several Acts relating to Environmental Duties. These requirements are delivered through the Harbour’s services, including the Local Port Service (LPS) which monitors and advises vessel Masters and members of the public. A&BC also issue a ‘Marine Conservancy and Hydrographic Policy’, Version1, issued August 2023 which has intrinsic links to environmental duties. Information regarding Rothesay and its local habitat is contained in the Oil Pollution Response plan.		MJS_001 MJS_005 MJS_035	MJS
3.9	Civil Contingency Duty	Does the MSMS include reference to the Harbour Authority’s obligations as a Category 2 responder?	Satisfactory – the MSMS includes reference to Civil Contingency duties within supporting port, harbour and pier Annexes.		MJS_001	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	Satisfactory – an Oil Pollution Response Plan is in place, which was approved by the MCA on 04 December 2018 and is valid until the 27 November 2023. The annual OPRC return form was evidenced. A&BC maintain a Critical Activity Recover Plan (CARP) which incorporates the Council’s Civil Contingency duties. Rothesay has an emergency plan.		MJS_035 MJS_036	MJS
		Does the port/harbour carry out emergency plan exercises?	Satisfactory – a training exercise for oil pollution was carried out for A&BC in Campbeltown on 23 November 2021, as operation ‘Smerby’. Evidence provided. In Rothesay, exercise ‘Mount Stuart’ was run in September 2023 as a multi-agency emergency response test. Post exercise report provided.		MJS_037 MJS_038	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.10 – 3.11	Harbour Authority Powers review	Has the Harbour Authority reviewed its powers?	See the audit report response in Section 2.3 – 2.6.		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	Satisfactory – the last HRO was made in 1983, a HRO to consolidate the harbour is planned.		MJS_010	MJS

A.4 PMSC Section 4 – Specific Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	Satisfactory – a letter of appointment as the Rothesay Harbour Master is held, date of appointment 02 May 2022.		MJS_042	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	Satisfactory – under the ‘The Rothesay Harbour Act and Orders 1831 to 1898’, Byelaws are issued as the ‘09 July 1900 and 11 February 1901’. The Byelaws were confirmed as extant by the ‘Rothesay Harbour Revision Order, 1983’.		MJS_041	MJS
		Date of last byelaw review?	Satisfactory – the Byelaws were issued in 1901 and are the current set of Regulations. Observation – the Byelaws are considered to be, for the most part, outdated. Additionally, the level of fine would not act as a deterrent.	Recommendation – in their current form, byelaws are (largely) obsolete and the level of fine does not act as a deterrent. Options are to replace with General Direction powers and/or repeal and replace with a modernised byelaw set.	MJS_041	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master’s powers of Direction shown in the MSMS, how is delegation identified?	Satisfactory – the MSMS, Section 5.1.1, details the use of Special Direction stating: <i>“Special directions – may be given by the harbour master, deputies or their assistants: these directions are time and vessel specific and are apt for operational purposes of short duration and for emergencies”</i> . Observation – there is no SOP detailing how Special Directions are given or recorded by the Harbour Master, relayed via LPS, or otherwise.	Recommendation – an SOP for the use of Special Directions is drafted and agreed. This should detail the giving of the direction and its recording.	MJS_001	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	Not applicable – powers of General Direction are not available.		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	Not applicable – Harbour Directions have not been applied for.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	Satisfactory – the Harbour Master has powers under the Dangerous Vessels Act 1985. This is listed in the MSMS, Section 3.1 under 'National Legislation'. Observation – information relating to the expected action for the Harbour Master in respect of a dangerous vessel should be laid out as a procedure.	Recommendation – the creation of a Standard Operating Procedure based around actions a Pier or Harbour Master should take in respect of a dangerous vessel.	MJS_001	MJS
		Is the role of the Secretary of States' Representative for Maritime Salvage and Intervention (SOSREP) acknowledged?	Satisfactory – the MSMS, Section 4.4.3 details the role of the SOSREP.		MJS_001	MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous goods/substances?	Satisfactory – the MSMS, Section 4.4.4 details the entry and control of dangerous goods and substances in the harbour. The Council's website contains reporting forms for 'Dangerous Good Notification Procedures'. At Rothesay, CalMac (as ferry operator) manages the dangerous goods notification process at the ferry terminal with A&BC as the harbour operator provided with summary information.		MJS_001 https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/marine-safety-management-system	MJS
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	Satisfactory – vessel traffic is monitored and managed through: <ul style="list-style-type: none"> ▪ Visual observation and communications by Very High Frequency (VHF), phone and email. ▪ Traffic light signals for the control of craft from the Inner Harbour and Marina. ▪ LPS watch office, staffed by Port Operatives. ▪ LPS log used to record harbour activity. 		MJS_043 MJS_044 Observational	MJS
		Is vessel traffic monitoring information passed to the MCA by the quickest means?	Satisfactory – the Council has a CERS login, evidence of a completed CERS logbook provided for the 'Hebridean Princess' on 09 March 2023 seen.		MJS_033	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 8.4	Cont. Vessel Traffic Management	Has the need for VTS/LPS been reviewed recently?	Satisfactory – the current method of vessel traffic management has been arranged to meet the demands of harbour use. The harbour is staffed during winter between 05:45 - 21:45 hrs, using a two-watch system. Every day except Christmas Day and New Year's Day (an on-call duty process is used out of hours).		MJS_007 Observational	MJS
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	Satisfactory – the MSMS, Section 3.1 references the Railways and Transportation Safety Act (RATSA) 2003. The Council has a Drink and Drugs Policy for its own staff. Observation – there is no specific instruction on the actions to take if a professional mariner is suspected of a drink or drugs offence when on duty.	Recommendation – the creation of an SOP or procedure to inform the Authority's officers of their expected action for a drink or drugs offence under the RATSA 2003.	MJS_001	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Has the requirement for pilotage been reviewed?	Satisfactory – A&BC's harbour operation at Rothesay has large commercial CalMac ferries, which routinely operate with a PEC holder onboard for movement through Peel Port's Clydeport CHA. Clydeport is the CHA for the wider area, which includes Rothesay Harbour.		https://www.peeports.com/media/kmujrfju/cntm-02-22-general-directions-pilotage.pdf	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.12 GtGP 9.4	Pilotage Directions	Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced in the MSMS?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the International Maritime Organisation (IMO) resolution A960?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Are the requirements equivalent to those for an authorised pilot?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	<p>Satisfactory – information is included in the Admiralty List of Radio Signals (ALRS), Volume 6, the Reeds Nautical Almanac and Marina Guide and the Port of Scotland publication. Port entry information is also available on the Bute Berthing Company website.</p> <p>Observation – information in ALRS Volume 6 for Rothesay has email contact details which are out of date.</p> <p>Observation – the harbour chart (Admiralty Chart Number 1867 ‘Firth of Clyde, Hunterston Channel and Rothesay Sound’, Rothesay Sound Panel B) has a pontoon shown between the West Arm and shore marked ‘visitor pontoon’. This pontoon was not evident during the audit.</p>	<p>Recommendation – reviewing ALRS Volume 6 for Rothesay and advise UKHO of any updates.</p> <p>Recommendation – reviewing the charted information on Admiralty Chart Number 1867 and advising the UKHO if there are any features to update.</p>	<p>MJS_048 MJS_049 MJS_050</p> <p>http://www.buteberthing.com/marina-user-guidance-notes.html</p>	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	Satisfactory – information is published on A&BC’s website, and also on the port entry information shown by the Bute Berthing Company.		https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/rothesay-harbour	MJS
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	Satisfactory – charges (including dues) are laid out on the Council’s website. The process for setting charges uses a benchmarking exercise with other local ports. Charges are increased at the rate of inflation.		https://www.argyll-bute.gov.uk/fees/22/piers	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	<p>Satisfactory – as the Local Lighthouse Authority (LLA) the following Aids to Navigation are maintained:</p> <ul style="list-style-type: none"> 2 fixed red lights (vertical) on the West Arm. 1x fixed green-green-white (vertical) or 3x fixed red-red-red (vertical) traffic control lights on Albert Pier. 		https://www.argyll-bute.gov.uk/fees/22/piers	MJS
4.24	GLA returns	Are returns made to the GLA?	<p>Satisfactory – the LATON three-year return for A&BC identifies the availability return values for the period April 2020 to April 2023 as:</p> <ul style="list-style-type: none"> Cat 2 = 99.56% (target is 99.0%) Cat 3 = 100% (target is 97.0%) <p>Provision and maintenance of Aids to Navigation is recognised as an area of best practice.</p>		MJS_040	MJS
4.25-4.32	Wrecks, Abandoned or unseaworthy vessels	Does the MSMS refer to powers for dealing with wrecks?	<p>Satisfactory – the MSMS, Section 10.4 addresses wrecks within the Conservancy section and with respect to marking of wrecks. The most recent incident was a fishing vessel in the Outer Harbour in <i>circa</i> 2015.</p>		MJS_001 Anecdotal	MJS
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	<p>Not applicable – the Organisation is not a Competent Harbour Authority and therefore has no requirement to operate a pilot boat.</p>		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	<p>Satisfactory – towage is commented on in the 'Navigational Safety, Pilotage & Towage Policy'. Evidence of pre-notification Risk Assessment Method Statement (RAMS) for 21 January 2021, signed by the Harbour Master seen as evidence.</p> <p>Observation – there is no procedure for dealing with towage (either routine or non-routine) at other A&BC ports, harbours or piers.</p>	<p>Recommendation – drafting of appropriate towage guidelines for all A&BC ports, harbours and piers.</p>	MJS_002 Observational	MJS
		Is there a process for approving towage providers?	<p>Not applicable – there are no towage providers at Rothesay Harbour, the nearest providers being in Clydeport.</p>		n/a	MJS
		Are non-routine tows pre-approved / managed by the organisation?	<p>Satisfactory – towage is commented on in the 'Navigational Safety, Pilotage & Towage Policy'.</p>		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Not applicable – there are no known powers to licence tugs.		n/a	MJS
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	Satisfactory – a 'Permission to Dive Permit' for 210 October 2023 was evidenced.		MJS_047	MJS
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Not applicable – there is no history of recreational diving.		n/a	MJS
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	Satisfactory – a 'Marine Department Hot Work Permit – Ship' for 26 July 2023 was evidenced.		MJS_045 MJS_046	MJS
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	Satisfactory – CalMac ferries do not bunker at Rothesay, this occurs at Wemyss Bay. Fishing vessels bunker by road tanker. Observation – third parties bunker check lists, nor any delivery/receipt of fuel is not retained by the harbour.	Recommendation – the Harbour Authority should retain bunkering check lists.	n/a	MJS
GtGP – 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	Satisfactory – for vessels using the Inner and Outer Harbour, checks are made as part of the booking process operated by LPS. Observation – the Council does not have a formalised process for checking commercially operated Coded vessels.	Recommendation – the Harbour Authority considers the requirements of the GtGP (Section 11.3, 11.4) with respect to regulating third party commercial workboats and launches within its area of jurisdiction and creates a registration scheme for workboats using the Authority's area.	MJS_001	MJS

B Quayside Check

Visual observation of Rothesay Harbour Pier and Dockside during the site visit on the 12 October 2023.

B.1 Quayside Check

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	Satisfactory – the Pier Head, Docks and slipways, plus the marina pontoons were free from debris and trip hazards.		MJS
		Pedestrian/Disabled access for passengers or leisure users?	Satisfactory – walkways were clearly marked for pedestrians to access the ferry terminal; walkways were delineated from vehicle parking areas.		MJS
		Is the type and condition of quayside surface appropriate to the operation?	Satisfactory – the marina pontoons, quayside and pier surface accessible to the public (some areas were restricted) is appropriate to its intended use.		MJS
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	Satisfactory – the dockside and pier had appropriately spaced LSE. Some of the water egress points were built into the dockside infrastructure. Observation – in the Inner Harbour, water egress from the pontoons does not always meet the requirement stated in the ACOP, Section 219, which states a minimum spacing of 85 m for ladders with a means of support at intervals of 30 m. See Image B1.	Recommendation – the marina pontoons and dockside egress ladders are compared against the ACOP to determine if more egress points are needed.	MJS
		Is there appropriate LSE at quay edge?	Satisfactory – Life saving equipment (life rings) were installed at the pier, dockside and marina pontoons.		MJS
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	Satisfactory – the bollards along the outer pier are (visually) in good condition. The marina pontoons have cleats and small sets of bollards. Observation – the eastern end of the main pier (roundhead) and fish quay bollards were not numbered, or Safe Working Loads (SWL) identified. See Image B2.	Recommendation – bollards and bits are inspected, numbered and SWL added.	MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	Satisfactory – fendering on the Pier is vertical rubber sections on timber, the condition of which is considered to be good from visual observation. In other areas, the fendering is wood vertical sections with some tyres used for fishing vessels and workboat berths.		MJS
		Is the condition of the fendering in good order?	Satisfactory – fitted fendering was observed to be in serviceable condition.		MJS
		Are chaffing plates used?	Satisfactory – chaffing plates and/or wood sections are not used on the Pier. This is not considered necessary for the ferry berth, given the type and size of vessel and lead angle. Observation – the fish quay accommodates smaller vessels such as fishing boats and workboats where the lines will run over the quay edge.	Recommendation – that consideration is given to adding chaffing protection to the fish quay.	MJS
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	Satisfactory – there is ample lighting around all berths at the Pier and pontoons (note, quayside checks carried out in daylight only). Slipways along the promenade are not used at night and has street lighting only.		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	Satisfactory – there is adequate delineated between quayside operations with certain sections fenced off and usable to manage cruise passengers under International Ship and Port Facility (ISPS) requirements.		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	Satisfactory – the harbour has adequate signage.		MJS



Image B1. **Rothesay Inner Harbour, Pontoon Egress Points**



Image B2. **Fish Quay and Roundhead Bollards**

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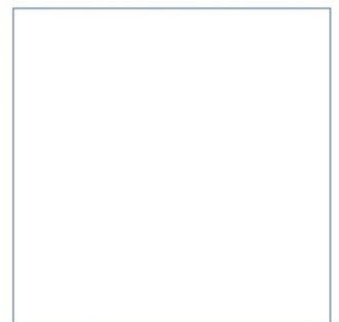
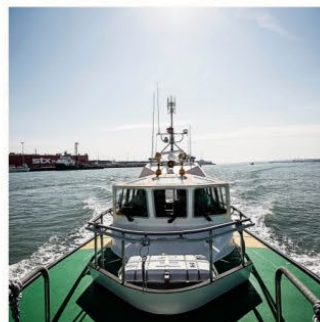
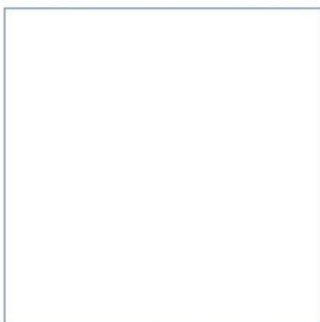
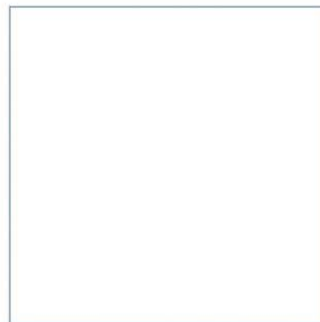
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Argyll and Bute Council

Port Marine Safety Code

Audit: Isle of Islay (Port Askaig, Bruichladdich, Port Charlotte) 2023

January 2024



Innovative Thinking - Sustainable Solutions

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Port Marine Safety Code




Audit: Isle of Islay (Port Askaig, Bruichladdich, Port Charlotte) 2023

January 2024



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1 The Port Marine Safety Code

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

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

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

(DfT, 2016)

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

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.	1.6-1.8, 1.10, 1.16-1.17
2	Designated Person	A 'Designated Person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the Duty Holder.	1.11-1.12
3	Legislation	The Duty Holder must review and be aware of their existing powers based on local and national legislation; seeking additional powers if required in order to promote safe navigation.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
9	Plan	Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan at least every 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

1.1 About the Harbour Authority

The Isle of Islay is the southernmost island of the Inner Hebrides of Scotland. It lies in Argyll just south west of the Isle of Jura and around 40 kilometres (22 nautical miles) north of the Northern Irish coast. The Isle's main port is Port Ellen, which is owned by Caledonian Maritime Assets Limited (CMAL) and operated by CalMac Ferries Limited (CFL). Islay's other ports includes Port Askaig, Bruichladdich and Port Charlotte. These locations are owned by Argyll and Bute Council (A&BC) as both a Harbour Authority and Marine Facility operator. Other privately owned ports and marine facilities are also located around Islay's coast.

1.1.1 Port Askaig

Port Askaig is a Statutory Harbour Authority (SHA) by virtue of 'The Pier and Harbour Order Confirmation (No 3) Act, Schedule: Islay Piers Order, 1904 and the subsequent 'Port Askaig Pier Order Confirmation Act 1975. These are collectively known as the 'Port Askaig Acts and Order 1904 to 1975'. A&BC is therefore the Local Lighthouse Authority (LLA) with respect to aids to navigation through Section 193 of the Merchant Shipping Act 1995. A&BC is not a Competent Harbour Authority for Port Askaig.

Port Askaig is a busy port hosting a CFL ferry terminal with connections to Kennacraig and the Isle of Colonsay. The port also maintains an inter-island ferry to the Isle of Jura, for both foot passengers and vehicle traffic, this ferry service and route is provided by A&BC. The port is an important location for commercial fishing vessels, with quayside facilities for safe berthing, landing catch and vessel mooring. The port also hosts the Royal National Lifeboat Institute (RNLI) who operate a Severn Class Boat named the '*Helmut Schroder of Dunlossit II*' from a dedicated berth, with facilities offered by a fully fitted out office, crew room and operational rooms.

1.1.2 Bruichladdich Pier

Bruichladdich Pier is an SHA by virtue of 'The Pier and Harbour Order Confirmation (No 3) Act, Schedule: Islay Piers Order, 1904'. A&BC is therefore the Local Lighthouse Authority (LLA) with respect to aids to navigation through Section 193 of the Merchant Shipping Act 1995. A&BC is not a Competent Harbour Authority for Bruichladdich Pier.

Bruichladdich Pier located on the western shore of Loch Indaal, this Pier is operated commercially by Gleaner Oils on behalf of A&BC and is used exclusively for tankers. The Pier consists of an original solid stone structure augmented by eight berthing and mooring dolphins and associated walkways to accommodate larger double hulled coastal tankers. The stone Pier serves the local community with small inshore fishing vessels, creel boats and day boats making use of the facility. Tanker activity between the years 2015 and 2023 ranges between six vessels and two vessel visits per year.

1.1.3 Port Charlotte

Port Charlotte is a village located on the western shore of Loch Indaal. The Pier at Port Charlotte is a solid stone and concrete structure, with a sea wall on its northern side and an open Pier to the south. Securing points in the form of mooring rings are installed on the Pier, as is a water egress ladder and stone access steps. It is used exclusively by recreational and small inshore fishing vessels. The Pier at Port Charlotte is a marine facility, owned and operated by A&BC. It is not an SHA, nor does it have any lighting or ancillary services.

2 Purpose and Method

2.1 Audit scope

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

2.2 Audit definitions and outcomes

The following definitions are used in the audit report:

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

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

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

2.2.1 Outcomes

The audit report uses the following outcomes:



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



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



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

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

2.3 Audit date and criteria

The onsite check of port, harbour and pier facilities was carried out on the Isle of Islay on Thursday 11 May 2023 with the check of marine safety management system requirements carried out on 12 October 2023. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), have been used as the benchmarking standard within Appendix A. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

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

2.4 Auditor

The following auditor conducted this audit.




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

2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Allan Finlay	AF	Piers and Harbours – Technical Officer
John Willis	JW	Assistant Harbour Master – Campbeltown
Scott Reid	SR	Marine Operations Manager

3 Audit Summary

Number	Key Measures Ten-Point 'Health Check'			
1	Duty Holder	0	2	5
2	Designated Person	0	0	2
3	Legislation	0	3	5
4	Duties and Powers	0	14	36
5	Risk Assessment	0	2	5
6	MSMS	0	6	10
7	Review and Audit	0	0	4
8	Competence	0	3	2
9	Plan	0	0	3
10	Aids to Navigation	0	0	2
Total		0	30	74

The summary presented in the above table identifies that, for the ten-point health-check, Argyll and Bute Council as the Statutory Harbour Authority for Port Askaig and Bruichladdich Pier, plus the Marine Facility owner for Port Charlotte Pier, is **found to be compliant** with the requirements of the Port Marine Safety Code. The following item of best practice was identified during the audit:

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

3.1 Summary of Observations

The PMSC audit (at three locations) identified 30 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. The following points identify the more significant items, split by port location.

- Not all Councillors on the Harbour Board have attended Duty Holder training, the Marine Safety Plan has an objective of 100% attendance.
- The MSMS, Section 1.2.2 does not list Bruichladdich Pier as an SHA.
- Marine risk assessments for Port Askaig, Bruichladdich, Port Charlotte were all reviewed in the same month. It is recommended that risk assessment review is staggered over the year.
- Whilst the MSMS provides for Council processes, the Standard Operating Procedures (SOPs) specific to Port Askaig, Bruichladdich and Port Charlotte require further development.
- The MSMS, Section 1.2 and 1.6 provide a high-level structure regarding responsibilities for marine safety. The way these responsibilities are met at Port Askaig, Bruichladdich and Port Charlotte is not clearly laid out. In practice, the Harbour Master team from Campbeltown has operational oversight for these locations, with local Council staff at Port Askaig (whose primary role is the operation of the Jura Ferry) providing both marshalling and onsite support. Lastly, an Islay based Council services operator provides maintenance services. This structure is not documented fully in SOPs.

- There are no routine stakeholder meetings at Port Askaig, Bruichladdich or Port Charlotte. Meetings are held, but around specific needs and requirements. It is recommended that port user groups or forums are set up for Islay.
- The lack of Port or Pier onsite staff at Port Askaig, Bruichladdich and Port Charlotte means there is no-one immediately on-hand to respond to an incident or monitor vessel traffic. Whilst Bruichladdich and Port Charlotte do not have regular vessel traffic, Port Askaig is a busy port. The A&BC operated Jura Ferry is staffed by Council employees; however, their principal focus is the safe and efficient operation of the ferry. It is recommended that the Council conduct a review of staff resource for its Ports and Pier on Islay.
- There is no specific emergency plan for Port Askaig or Bruichladdich Pier.
- There is no LPS provision at Port Askaig outside of port user information available on A&BC's website. There is also no routine arrival or departure contact procedure for the CFL ferry with the Harbour Authority. If the Jura Ferry is using the linkspan berth (due to the tide being too low for the Jura Ferry to use the slipway) vessel traffic management is arranged between vessel Masters. The Council should consider if this is an effective form of berth allocation.

3.2 Summary of Quayside Checks

Marine operations and quayside checks were also carried out, 16 observations were identified cumulatively for all three locations. The following provides a summary of more significant items:

3.2.1 Port Askaig (Appendix B.1)

- At the time of the quayside checks, there were numerous mooring lines causing obstruction along the southern Pier. It is recommended that housekeeping is improved with vessel Masters and owners required to remove unnecessary lines from quayside areas.
- In several locations, due to the amount of available space and port road layout, both pedestrians and vehicles use the same area. This was especially noted when the CFL Ferry passenger embarked and disembarked, with vehicles dropping off or collecting foot passengers. It is recommended that a review of the layout around the ferry berth is conducted with reference to the Health and Safety Executive (HSE) publication L148 'Safety in Docks: Approved Code of Practice and Guidance' (HSE, 2014) Section 58 to 72 'Safe site – design and activity'.
- Some of the water egress ladders were obstructed by mooring lines and not all life ring housings were fixed in location.

3.2.2 Bruichladdich Pier (Appendix B.2)

- The common user stone Pier had a number of mooring lines obstructing the stone steps used to access and egress the launch point and water.
- One of the water egress ladders at the original stone Pier was severely corroded with the rungs unusable.
- Not all life rings were in a serviceable condition and housed correctly.
- A number of Pier signs had weathered and deteriorated to the point of being illegible.

3.2.3 Port Charlotte (Appendix B.3)

- The life ring housing was broken and not secured to its support.
- Some of the mooring rings were visibly deteriorated and may not provide sufficient restraint capacity.
- There is no signage at the Pier. It is recommended that signage with A&BC's details as the marine asset owner is installed.

4 References

ABPmer, 2016. Port Askaig: Navigational Risk Assessments. R2536. February 2016.

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

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

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

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

Port Skills and Safety (PSS), 2019a. Guidance on Mooring, SIP 005. March 2019.

Port Skills and Safety (PSS), 2019b. Guidance on Safe Access and Egress, SIP 014. September 2019.

4.1 Websites

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

5 Abbreviations/Acronyms

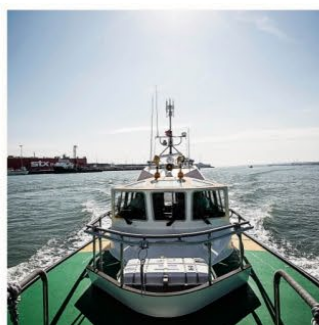
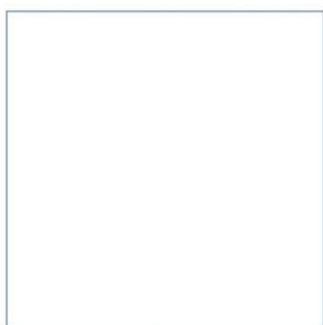
A&BC	Argyll and Bute Council
ACOP	Approved Code of Practice and Guidance
ALRS	Admiralty List of Radio Signals
AtoN	Aid(s) to Navigation
BPA	British Ports Association
CARP	Critical Activity Recover Plan
CAT	Category
CERS	Consolidated European Reporting System
CFL	CalMac Ferries Limited
CHA	Competent Harbour Authority
CMAL	Caledonian Maritime Assets Limited
DfT	Department for Transport
DRA	Dynamic Risk Assessment
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act 1847
HRO	Harbour Revision Order
HSE	Health and Safety Executive
IMO	International Maritime Organization
ISO	International Organization for Standardization
KPI	Key Performance Indicator
LATON	Local Aids to Navigation
LLA	Local Lighthouse Authority
LPS	Local Port Service
LSE	Lifesaving Equipment
MAIB	Marine Accident Investigation Branch
MARNIS	Marine Risk Software Produced by ABPmer
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MSMS	Marine Safety Management System
n/a	Not Applicable

OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
PEC	Pilotage Exemption Certificates
PFSP	Port Facility Security Plan
PMSC	Port Marine Safety Code
PSS	Port Skills and Safety
QMS	Quality Management System
RATSA	Railways and Transportation Safety Act
RNLI	Royal National Lifeboat Institute
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency
SHA	Statutory Harbour Authority
SIP	Safety in Port
SOPs	Standard Operating Procedures
SOSREP	Secretary of State's Representative
SPA	Special Protection Areas
SWL	Safe Working Load
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency
VTS	Vessel Traffic Service

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

Appendices



Innovative Thinking - Sustainable Solutions

A Detailed Audit Findings

A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation’s Duty of Care for users of the harbour, port of facility stated?	Satisfactory – A&BC’s Marine Safety Management System (MSMS), ‘Policies and Statements’, Volume 1, revision 01, issued November 2023. The MSMS, Section 3.1 under National Legislation states: <i>“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”</i> . Additionally, Section 10 ‘Conservancy’ also states that: <i>“There is a duty to conserve a harbour so that it is reasonably fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for vessels to use.”</i>		MJS_001	MJS
		Are local Acts and Orders identified?	Satisfactory – the harbour authority has a copy of its local legislation. Local Acts and Orders 1904 to 1975 include: <ul style="list-style-type: none"> ▪ The Pier and Harbour Order Confirmation (No 3) Act, 1904. Schedule ‘Islay Piers Order 1904’. ▪ The Port Askaig Pier Order Confirmation Act 1975. 		MJS_008 MJS_009	MJS
		Is the Harbour, Docks and Piers Clauses Act (HDPCA) 1847 incorporated into local Acts and Orders?	Satisfactory – the HDPCA has been incorporated into the ‘Pier and Harbour Order Confirmation (No 3) Act, 1904. Schedule ‘Islay Piers Order 1904’, with certain exceptions.		MJS_008 MJS_009	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.6 – 1.7	The Duty Holder	Has the organisation appointed and confirmed who the Duty Holder is?	Satisfactory – A&BC has assigned the post and accountability of the Duty Holder to the Council's Executive Director of Development and Infrastructure Services. The Harbour Board retains responsibility for providing policy direction to the officers of the Authority. An organisational structure is provided the MSMS, Section 1.6.		MJS_001	MJS
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	Satisfactory – the MSMS, Section 1.4 lists the principal requirements of the Duty Holder.		MJS_001	MJS
1.10	The Duty Holder	Does the Duty Holder (and Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	<p>Satisfactory – the Harbour Board and Duty Holder receive information from officers of the Authority, presented as technical reports to Board Meetings. Periodically the Harbour Board and Duty Holder visit one of the Council's ports, harbours or piers. The last Oban visit was on 24 September 2021. The Harbour Board were also invited to the Campbeltown Emergency Response Exercise in November 2021. The MSMS is provided on the Council's website.</p> <p>Observation – the Council is encouraged to arrange an opportunity in 2024 for the Duty Holder and Board to visit one of the Authority's ports, harbours or piers.</p>	<p>Recommendation – to provide awareness of the Council's ports, harbours and piers, arrange an annual visit for the Duty Holder and Board.</p>	MJS_001	MJS
		Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	<p>Satisfactory – six (of the eight) Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended training run on 05 September 2022.</p> <p>Observation – not all Councillors on the Harbour Board have attended Duty Holder training, the Marine Safety Plan has an objective of 100% attendance.</p>	<p>Recommendation – that members of the Harbour Board who have not attend Duty Holder training, complete this training as soon as practical.</p>	MJS_011	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	Satisfactory – the Duty Holder has appointed ABPmer to provide Designated Person services, with Monty Smedley as the named Designated Person. This contract commenced on 01 November 2021. The Designated Person’s contact details are hosted on the Council’s website.		https://www.argyll-bute.gov.uk/sites/default/files/2023-05/dp_contact_information3_abc.pdf	MJS
		Is the Designated Person’s role explained in the MSMS?	Satisfactory – the MSMS, Section 2.0 lists the duties of the Designated Person.		MJS_001	MJS
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 1.6.1 lists the responsibilities of the ‘Head of Roads and Infrastructure Services’, and Section 1.6.2 lists the responsibilities of the ‘Marine Operations Manager’.		MJS_001	MJS
		How is marine safety funded within the organisation?	Satisfactory – funding is identified and agreed through the Council’s approvals process. Officers of the Authority have delegated spending powers within their spending limits. All significant funding decision outside of spending limits come to the Harbour Board, officers of the Authority provide technical input to Harbour Board decisions.		n/a	MJS
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 2.5 states that: <i>“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”</i> . Section 1.6.4 lists specific duties. Additionally, the Council also appoints Pier Masters in selected locations, the duties of which are identified in Section 1.6.5.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.9, 1.14 – 1.15	Cont. Harbour Master	Does an officer with responsibilities for marine safety attend Board meetings?	Satisfactory – three times a year, a report is provided by the Executive Director with responsibility for Roads and Infrastructure Services; major issues are raised to the Harbour Board. Evidence from the Harbour Board meeting of 31 August 2023 identifies reports including the Oban Harbour Update, Port Marine Safety Code Update, Piers and Harbours marine asset management plan and the Argyll and Bute Harbour Board Workplan.		MJS_012 MJS_013 https://www.argyll-bute.gov.uk/sites/default/files/2023-05/dp_contact_information3_abc.pdf	MJS
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	Satisfactory – the MSMS, Section 1.6.3 lists the responsibilities of the Marine Technical Officer, and Section 1.6.6 provides detail on the Council's Assistant Harbour Masters.		MJS_001	MJS

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

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> MAIB digest / reports MCA health check trends 	Satisfactory – the MCA Health Checks trends was included in the Designated Person’s briefing note which was tabled at the 02 September 2021 Harbour Board meeting. Information from the MAIB and the BPA in the former of safety circulars are distributed by the Marine Operations Admin Officer. Evidence sighted.		MJS_014 https://www.argyll-bute.gov.uk/moderngov/ielssueDetails.aspx?IId=123876&PlanId=0&Opt=3#AI150723	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	Satisfactory – the Harbour Authority has a list of local Acts and Orders in the MSMS, Section 3.2 ‘Local Legislation’ with the ‘Islay Piers Order 1904’ listed. Observation – the MSMS, Section 1.2.2 does not list Bruichladdich Pier as an SHA, nor does Section 3.2.	Recommendation – the MSMS, Section 1.2.2 and 3.2 should be adjusted to show Bruichladdich Pier as an SHA.	MJS_001 MJS_008 MJS_009	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	Satisfactory – the MSMS, Section 3.2, has a list of local Acts or Orders. Observation – the bullet point entry for Port Askaig reads: “Port Askaig, by virtue of the ‘Islay Piers Order 1904’”. This should read: Port Askaig, by virtue of the Acts and Order 1904 to 1975’. Observation – there is no bullet point for Bruichladdich Pier, which was established as an SHA by the Islay Piers Order 1904.	Recommendation – the MSMS, Section 3.2 bullet point for Port Askaig should be updated to include the 1975 Act. Recommendation – the MSMS, Section 3.2 has an additional bullet point added for Bruichladdich Pier SHA.	MJS_001	MJS
	Have the Harbour Authority’s existing powers been reviewed?	Satisfactory – the harbour acts have been reviewed by A&BC lawyers. Recommendations for update have been presented to the Council and a Harbour Revision Order (HRO) consolidation process initiated. Evidence provided.		MJS_015 MJS_016 MJS_017	MJS	

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.3 – 2.6	Cont. Review existing powers	Is the organisation's jurisdiction known and mapped?	<p>Satisfactory – the 'Port Askaig Pier Confirmation Order 1975', Section 28(1) and (2) states:</p> <p><i>1. The limits within which the Council shall exercise in relation to the pier undertaking the powers conferred on them by the Order of 1904 and this Order shall comprise the existing pier and the works and so much of the sea as is included within the area marked "Port Askaig Pier Limits" on the pier limits map (hereinafter referred to as "the pier limits").</i></p> <p><i>2. In relation to the pier undertaking subsection (1) of Section 5 (Limits) of the Order of 1904 shall have effect.</i></p> <p>The 'Pier and Harbour Order Confirmation (No 3) Act, 1904. Schedule: Islay Piers Order 1904', in Section 4(3) states that: <i>"The term 'Port Askaig Pier' as used in this Order shall not include the existing passenger slip adjoining Port Askaig Pier on the south and that slip and the existing old Cattle Ferry pier at Port Askaig situated two hundred feet or thereabouts to the south of Port Askaig Pier are expressly excluded from the limits of this Order"</i></p> <p>The Islay Piers Order 1904 further states that: <i>"The limits within which the Undertakers shall in respect of each of the Piers have authority and within which the powers of the Pier Master may be exercised shall comprise each of the Piers and an area below high-water mark within a distance of one hundred feet at Port Askaig and fifty feet at Bruichladdich Pier measured in any direction seawards from any part of each of the Piers which limits are in this Order termed 'the harbour limits'"</i></p>		MJS_008 MJS_009 MJS_025 MJS_026 MJS_027	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.3 – 2.6	Cont. Review existing powers	Cont. Is the organisation's jurisdiction known and mapped?	A&BC holds a copy of the 'the pier limits' plan and is able to demonstrate the limits and jurisdiction. In addition, as part of the planned Consolidated Harbour Act, these limits will be reviewed, evidence provided.		MJS_008 MJS_009 MJS_025 MJS_026 MJS_027	MJS
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Have risks associated with marine operations been assessed and a means of controlling them deployed?	Satisfactory – the MSMS, Section 5 describes the assessment methodology. A set of 21 risk assessments are in place, split into: Port Askaig (12), Bruichladdich (7) and Port Charlotte (2). Risk Assessments are managed via the MARNIS Port Risk Assessment Software. All assessments were in-date at the time of audit with all reviews completed in May 2023. The hazard scenarios cover a range of foreseeable eventualities based on current harbour activities. A selection of two risk assessments per location were sampled. Observation – staggering review dates for Marine Risk Assessments is considered best practice. All the assessments for Islay had the same revision date.	Recommendation – that a staggered approach to risk assessment review is adopted, on a cyclic basis, over the year.	MJS_018 MJS_019 MJS_020 MJS_021	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	Satisfactory – the Harbour Master has undertaken a training course for marine risk completed on 05 April 2016. Certificate sighted.		MJS_022	MJS
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Are stakeholders included in marine risk review/assessments?	Satisfactory – the original risk assessments conducted in October 2015 included stakeholders at Port Askaig, ABPmer report R2536 (ABPmer, 2016) contains a list of these involved in creating the risk assessments. Observation – there is no evidence that Bruichladdich or Port Charlotte risk assessments have been reviewed with stakeholders.	Recommendation – the experience and knowledge of harbour users should be sought, and their engagement documented in the risk assessments.	MJS_023	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	Satisfactory – the MSMS, Section 5.1.3 states that: "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".		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of Formal Risk Assessment (FRA)	Is a system of Dynamic Risk Assessment (DRA) used?	Satisfactory – the MSMS, Section 5.2 provides information on the DRA requirement. The Council has a DRA flowchart to aid decision making.		MJS_001 MJS_024	MJS
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	Satisfactory – A&BC’s Marine Safety Management System (MSMS), ‘Policies and Statements’, Volume 1, revision 01, issued November 2023. A revision history table is included, with a draft noted as being issued in January 2023. The MSMS was approved by the Harbour Board in August 2023. The MSMS, Section 7.1 under the sub-heading ‘periodic review’ identifies that: <i>“Additional to the above the Marine Safety Management System will be reviewed and reissued by the Marine Operations Manager every three years.”</i> Observation – whilst the MSMS provides for Council processes, the Standard Operating Procedures (SOPs) specific to Port Askaig, Bruichladdich, Port Charlotte require further development.	Recommendation – a review of port specific SOPs to consider operations at each location and ensure that any site-specific requirements have been captured and recorded in a systematic way.	MJS_001	MJS
2.15	Key Performance Indicators (KPIs)	Does the harbour authority detail KPIs and/or make a statement about performance in the organisation’s annual report?	Satisfactory – A&BC’s key performance indicators are detailed in the ‘Marine Safety Plan’ as measured objectives. The MSMS, Section 9.1 provides information on active and reactive system measurements.		MJS_001 MJS_007	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	Satisfactory – the MSMS, Section 1.6 ‘Marine Operational Management Structure’ details the assignment of responsibility to key officers of the Authority. The MSMS, Section 1.2 identifies the grouping of ports by region.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.16	Cont. MSMS assigning responsibility	Cont. Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	Observation – whilst the MSMS, Section 1.2 and 1.6 provide a high-level structure, the way in which responsibilities for marine safety are met at Port Askaig, Bruichladdich and Port Charlotte is not clearly laid out. In practice, the Harbour Master team from Campbeltown has operational oversight for these locations, with local Council staff at Port Askaig (whose primary role is the operation of the Jura Ferry) provide both marshalling and onsite support. Lastly, an Islay based Council services operator provides maintenance services. This structure is not documented fully in the MSMS or supporting SOPs.	Recommendation – a review of port specific SOPs to detail the local level onsite operational and support services.	MJS_001	MJS
2.17	MSMS Consultation	Are forum/consultation meetings held?	Satisfactory – the ‘Navigational Safety, Pilotage and Towage Policy’ states that Argyll and Bute Council will: <i>“Consult widely with port and other relevant stakeholders in respect of navigational safety issues.”</i> At Port Askaig, the RNLI, CFL and local fishing users form the stakeholder community. At Bruichladdich, Gleaner Limited, operate the Pier during tanker visits. Stakeholder consultation centres on any new developments and initiatives. Observation – there are no routine stakeholder meetings at Port Askaig, meetings are held, but around specific needs and requirements. Observation – there is no evidence of stakeholder engagement at Bruichladdich or Port Charlotte. Whilst Port Charlotte may not warrant a user meeting (as it was not evident if there is a regular set of users) there was evidence of local use at Bruichladdich Pier.	Recommendation – scheduling routine user meetings and documenting this in minutes. Recommendation – scheduling routing user meetings for Bruichladdich Pier (which could also include Port Charlotte).	MJS_002	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p>Satisfactory – training records are held centrally, in a MS Excel sheet titled 'Training Matrix July 2022'. The training matrix identifies dates training was completed for each member of staff. The MSMS, Section 8.1 states: <i>"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"</i>. Induction records sampled for Rothesay staff.</p> <p>Observation – it is not clear what the terms 'Essential' and 'Required' mean on the matrix.</p> <p>Observation – whilst line managers are responsible for keeping records up to date, there is no assurance that a full set of training records are held centrally.</p>	<p>Recommendation – provide definitions for the terms used on the matrix for the avoidance of doubt.</p> <p>Recommendation – a full internal audit/check of certification against role is conducted. This should confirm that all mandatory training is held, or courses are booked, with certification held centrally.</p>	MJS_001 MJS_026 MJS_027	MJS
		Is there a policy on revalidation or maintenance of qualifications in place?	<p>Satisfactory – a Marine Training Policy is in place, dated v1 August 2023, and available for download from the A&BC website. The Marine Operations Admin Officer maintains a central record of training. Individual staff are identified with dates of training and certification held in day/month/year format.</p> <p>Observation – the training records do not clearly record, date taken and expiry date for qualifications</p>	<p>Recommendation – adding date taken and expiry date (named columns) to training records.</p>	MJS_003 https://www.argyll-bute.gov.uk/sites/default/files/2023-11/Marine%20Training%20Policy.pdf	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation’s instruction regarding: <ul style="list-style-type: none"> ▪ reporting ▪ recording of incidents ▪ investigation ▪ enforcement (if relevant). 	<p>Satisfactory – the MSMS Section 4.5 details the process to follow should an incident occur, this addresses investigation and reporting. There were no recorded marine incidents for Port Askaig, Bruichladdich or Port Charlotte. An online reporting method is available.</p> <p>Observation – the lack of incident records may represent a lack of stakeholder awareness on reporting processes, or the relatively low level of use at Bruichladdich and Port Charlotte. Given the volume of traffic and users at Port Askaig, it may be expected that marine incidents have occurred. Anecdotal information from CFL Masters identify potential near miss incidents with passing traffic in the approaches to the Port Askaig berthing area.</p> <p>Observation – the lack of Port or Pier onsite staff at Port Askaig, Bruichladdich and Port Charlotte means there is no-one immediately on-hand to respond to an incident or monitor traffic. Whilst Bruichladdich and Port Charlotte do not have regular vessel traffic, Port Askaig is a busy port. The A&BC operated Jura Ferry is staffed by Council employees; however, their principal focus is the safe and efficient operation of the ferry.</p>	<p>Recommendation – port community stakeholders are reminded of the reporting processes for marine incidents.</p> <p>Recommendation – the Council should conduct a review of staff resource for its Ports and Pier on Islay.</p>	<p>MJS_001</p> <p>Anecdotal</p> <p>https://www.argyll-bute.gov.uk/for m/reporting-an-accident-or-incident</p>	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	Satisfactory – the MSMS, Section 4.6 details actions to be taken in the event of death or crime.		MJS_001	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	Satisfactory – the MSMS, Section 4.8 details statutory reporting requirements, incident reports are distributed to the Scottish Environment Protection Agency (SEPA) and the MCA.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	Satisfactory – the MSMS, Section 4.8 details statutory reporting requirements, including the Marine Guidance Note (MGN) 564 'Incident reporting and investigation'. There have been no MAIB reportable incidents within A&BC's SHA since MARNIS records commenced in 2017.		MJS_001	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	Satisfactory – the last external audit of the MSMS was conducted in September 2022 at Oban (North Pier). The MSMS, Section 7.2 and 7.3 detail the audit process for A&BC.		MJS_001 MJS_031	MJS
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	Satisfactory – the MSMS, Section 4.9 provides the enforcement procedure.		MJS_001	MJS
		Is there a policy on enforcement and prosecution in place?	Satisfactory – A&BC publish an Enforcement and Prosecution policy, as version 1, dated August 2023.		MJS_004	MJS
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	Satisfactory – this requirement is evidenced through the publication of 'Navigational Safety, Pilotage and Towage Policy' and its Marine Safety Plan, published on A&BC's website.		https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/marine-safety-management-system	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	Satisfactory – the Marine Safety Plan contains an assessment of the previous plan.		MJS_007	MJS
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	Satisfactory – a signed and issued 'Marine Safety Plan' approved by the Harbour Board on 04 March 2021 is hosted on the A&BC's website. The plan covers the years 2021 to 2023.		MJS_007	MJS
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users?	See response in this Audit report, Section 2.17 on Consultation.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	Satisfactory – the Council wrote to the MCA on 10/03/21 to confirm its current state of compliance with the Code. Letter evidenced. The DfT list of ports reporting compliance does not include A&BC ports, harbours or marine facilities. This position has been taken by the DfT, guided by the MCA, as the Council has confirmed it was not (at that time) fully compliant with the requirements of the Code. At the time of writing the letter the Council was working towards full compliance in a number of key areas, including: legislation review, policy review, MSMS documentation and creation of SOPs.		MJS_032 https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations with its jurisdiction comply with the requirements of the Code?	Satisfactory – there are no other Organisations within the Port Askaig or Bruichladdich SHA area owning marine facilities. Port Charlotte is a marine facility and therefore does not have a statutory jurisdictional area.		n/a	MJS

A.3 PMSC Section 3 – General Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	<p>Satisfactory – the MSMS, Section 9.0 'Marine Safety Plan' outlines the requirements from the Code and points to the 'Marine Safety Plan' to deliver this requirement.</p> <p>Observation – the Marine Safety Plan does not specifically mention 'safe and efficient port/marine operations', however, the items in the plan identify key performance indicators required to achieve this.</p>	<p>Recommendation – that the Marine Safety Plan has wording added at its next revision, to confirm how the Council delivers the requirement for delivering 'safe and efficient port/marine operations'.</p>	MJS_001 MJS_007	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty?	<p>Satisfactory – it is considered highly likely that both Port Askaig and Bruichladdich Pier incorporate an Open Port Duty under Section 33 of the 'Harbours, Docks and Piers Clauses Act 1847'. The HDPCA 1847 provisions are referenced in the 'Islay Piers Order 1904'. Port Charlotte as a marine facility, does not have an Open Port Duty.</p>		MJS_008	MJS
3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> ▪ Survey as necessary ▪ Place navigation marks ▪ Keep 'vigilant watch' for any seabed changes ▪ Keep hydrographic records ▪ Ensure hydrographic information is published ▪ Update UKHO. 	<p>Satisfactory – the MSMS, Section 10.0 providing information on the Council's approach to conservancy. This includes conservancy duty, hydrographic survey policy, dredging, Aids to Navigation (AtoN), wreck removal, dangerous vessels and licensing marine works. The MSMS, Section 10.1 details hydrography, with the last bathymetric survey was conducted for Port Askaig was conducted on 12 April 2021, with Bruichladdich Pier surveyed on the 13 April 2021. Port Charlotte has no harbour survey based on its low-level usage and lack of port user community that would benefit from a survey. Information was passed by the survey contractor to UKHO, evidence seen.</p>		MJS_001 MJS_028 MJS_029	MJS
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	<p>Satisfactory – a bilateral agreement between A&BC and the UKHO is in place, dated 17 March 2017.</p>		MJS_034	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	Satisfactory – there is no evidence that A&BC as Harbour Authority at Port Askaig or Bruichladdich Pier having any powers to licence third party marine works under its local Acts and Orders. The 1904 provides powers to make improvements, maintain and regulate the Piers. Any works at Port Charlotte would require a Marine Licence. Mooring licences are required for individual and commercial moorings, via the Crown Estate, with navigation consent required from A&BC as the SHA.		MJS_008 MJS_009 MJS_052 MJS_053 MJS_054	MJS
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> ▪ Nature conservation Section 48A of Harbours Act 1964 ▪ Obligations for SPA, SACs under Habitat Regs. ▪ the Nature Conservation (Scotland) Act 2004 	Satisfactory – the MSMS, Section 3.1 lists National legislation, including several Acts relating to Environmental Duties. These requirements are delivered through the Harbour’s services. A&BC also issue a ‘Marine Conservancy and Hydrographic Policy’, Version1, issued August 2023 which has intrinsic links to environmental duties. Information regarding local habitat is contained in the Oil Pollution Response plan.		MJS_001 MJS_005 MJS_035	MJS
3.9	Civil Contingency Duty	Does the MSMS include reference to the Harbour Authority’s obligations as a Category 2 responder?	Satisfactory – the MSMS, Section 4.4.6 includes reference to Civil Contingency duties within supporting port, harbour and pier Annexes.		MJS_001	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	Satisfactory – an Oil Pollution Response Plan is in place, which was approved by the MCA on 04 December 2018 and is valid until the 27 November 2023. The annual OPRC return form was evidenced. A&BC maintain a Critical Activity Recover Plan (CARP) which incorporates the Council’s Civil Contingency duties. Observation – there is no specific emergency plan for Port Askaig or Bruichladdich Pier.	Recommendation – the development of an SOP or specific plan for Port Askaig and Bruichladdich Pier.	MJS_035 MJS_036	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 6.2.4, 6.5	Cont. Emergency Planning / Pollution control	Does the port/harbour carry out emergency plan exercises?	Satisfactory – a training exercise for oil pollution was carried out for A&BC in Campbeltown on 23 November 2021, as operation 'Smerby'. The Campbeltown team are operationally responsible for the delivery of marine services at Port Askaig, Bruichladdich Pier and Port Charlotte.		MJS_038	MJS
3.10 – 3.11	Harbour Authority Powers review	Has the Harbour Authority reviewed its powers?	See the audit report response in Section 2.3 – 2.6.		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	Satisfactory – the last HRO was made in 1975.		MJS_009	MJS

A.4 PMSC Section 4 – Specific Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	Satisfactory – a Harbour Master is appointed for Port Askaig and Bruichladdich Pier, evidence of appointment letter provided. The Harbour Master based at Campbeltown (with an appointment date of 09 September 2007) references an appointment for Port Askaig and Bruichladdich Pier under the 'Islay Piers Order 1904'.		MJS_008 MJS_042	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	Satisfactory – under the 'Islay Piers Order 1904', Section 28(1), the undertakers may make Byelaws under Section 83 of the HDPCA 1847. This relates to Port Askaig and Bruichladdich Pier only. Port Charlotte is a marine facility with no power under harbour legislation to make Byelaws.		MJS_008	MJS
		Date of last byelaw review?	Not Applicable – no known Byelaws are issued.		n/a	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master's powers of Direction shown in the MSMS, how is delegation identified?	Satisfactory – the MSMS, Section 5.1.1, details the use of Special Direction stating: <i>"Special directions – may be given by the harbour master, deputies or their assistants: these directions are time and vessel specific and are apt for operational purposes of short duration and for emergencies"</i> . Observation – there is no SOP detailing how Special Directions are given or recorded by the Harbour Master, Deputy or Assistants. It should also be noted that under the Islay Piers Order 1904, powers cannot be delegated and must be used by appointed Harbour Masters, Pier Masters or Dock Masters, or their Deputies.	Recommendation – an SOP for the use of Special Directions is drafted and agreed. This should detail the giving of the direction and its recording. This relates to Port Askaig and Bruichladdich Pier only. Port Charlotte is a marine facility with no power under harbour legislation to issue directions.	MJS_001	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	Not applicable – powers of General Direction are not available.		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	Not applicable – Harbour Directions have not been applied for.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	Satisfactory – the Harbour Masters have powers under the Dangerous Vessels Act 1985. This is listed in the MSMS, Section 3.1 under 'National Legislation'. Observation – as there is no appointed Harbour Master or Pier Master for Port Askaig and Bruichladdich Pier, therefore there is no appointee to make use of this power.	Recommendation – the creation of a SOP based around actions a Pier or Harbour Master should take in respect of a dangerous vessel. This relates to Port Askaig and Bruichladdich Pier only. Port Charlotte is a marine facility with no power under harbour legislation to issue directions.	MJS_001	MJS
		Is the role of the Secretary of States' Representative for Maritime Salvage and Intervention (SOSREP) acknowledged?	Satisfactory – the MSMS, Section 4.4.3 details the role of the SOSREP.		MJS_001	MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous goods/substances?	Satisfactory – the MSMS, Section 4.4.4 details the entry and control of dangerous goods and substances in the harbour. The Council's website contains reporting forms for 'Dangerous Good Notification Procedures'. At Port Askaig, CFL (as ferry operator) manages the dangerous goods notification process at the ferry terminal with A&BC as the harbour operator provided with summary information.		MJS_001 MJS_043 MJS_044 https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/marine-safety-management-system	MJS
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	Satisfactory – vessel traffic is monitored and managed through: <ul style="list-style-type: none"> Visual observation and communications by Very High Frequency (VHF) between port traffic. Scheduled visits by the Campbeltown team when tanker traffic visits Bruichladdich Pier. 		MJS_043 MJS_044 Observational	MJS
		Is vessel traffic monitoring information passed to the MCA by the quickest means?	Satisfactory – the Council has a CERS login.		Observational	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 8.4	Cont. Vessel Traffic Management	Has the need for VTS/LPS been reviewed recently?	<p>Satisfactory – the current method of vessel traffic management has been arranged to meet the demands of harbour use at Bruichladdich Pier and Port Charlotte with scheduled visits made to view tanker traffic arrivals at Bruichladdich.</p> <p>Observation – whilst Port Askaig has Council staff operating the Jura Ferry, there is no dedicated onsite staff to manage the harbour. There is no LPS provision outside of port user information available on A&BC’s website.</p> <p>Observation – there is no arrival or departure contact procedure for the CFL ferry with the Harbour Authority. If the Jura Ferry is using the linkspan berth (due to the tide being too low for the Jura Ferry to use the slipway) vessel traffic management is arranged between vessel Masters.</p>	<p>Recommendation – the provision of LPS at Port Askaig should be reviewed by A&BC to consider if improved vessel traffic management is needed.</p> <p>Recommendation – the requirement for LPS at Port Askaig is reviewed to ensure that berth allocation processes are in place.</p>	Observational	MJS
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	<p>Satisfactory – the MSMS, Section 3.1 references the Railways and Transportation Safety Act (RATSA) 2003. The Council has a Drink and Drugs Policy for its own staff.</p> <p>Observation – there is no specific instruction on the actions to take if a professional mariner is suspected of a drink or drugs offence when on duty.</p>	<p>Recommendation – the creation of an SOP or procedure to inform the Authority’s officers of their expected action for a drink or drugs offence under the RATSA 2003.</p>	MJS_001	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Has the requirement for pilotage been reviewed?	Satisfactory – the Organisation is not a Competent Harbour Authority; marine risk assessments do not identify the need for pilotage as a risk control.		MJS_019 MJS_020 MJS_021	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.12 GtGP 9.4	Pilotage Directions	Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced in the MSMS?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the International Maritime Organisation (IMO) resolution A960?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Are the requirements equivalent to those for an authorised pilot?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	<p>Satisfactory – information is included in the Admiralty List of Radio Signals (ALRS), Volume 6, the Reeds Nautical Almanac and Marina Guide and the Port of Scotland publication. Port entry information is also available on the Bute Berthing Company website.</p> <p>Observation – information in ALRS Volume 6 for Port Askaig provides a contact phone number and VHF channel only.</p>	<p>Recommendation – reviewing ALRS Volume 6 for Port Askaig and advise UKHO of any updates.</p>	MJS_048	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	<p>Satisfactory – information is published on A&BC’s website for Port Askaig and Bruichladdich Pier. Ferry terminal information is provided by CFL for its service operating from Port Askaig.</p> <p>Observation – the ‘Our Piers and Harbours’ website information, whilst a valuable resource, does not contain recreational information (or an indication/heading as to whether there are berths for recreational vessels).</p>	<p>Recommendation – a review of the ‘Our Piers and Harbours’ website information to specifically include recreational information.</p>	<p>https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/port-askaig-pier</p> <p>https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/bruichladdich-pier</p> <p>https://www.calmac.co.uk/article/2150/Port-Askaig</p>	MJS
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	<p>Satisfactory – charges (including dues) are laid out on the Council’s website. The process for setting charges uses a benchmarking exercise with other local ports. Charges are increased at the rate of inflation.</p>		<p>https://www.argyll-bute.gov.uk/fees/22/piers</p>	MJS
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	<p>Satisfactory – as the Local Lighthouse Authority (LLA) the following Aids to Navigation are maintained.</p> <p>Port Askaig:</p> <ul style="list-style-type: none"> ▪ 2 fixed red lights (vertical) on the West Arm. ▪ 1x Sectored Light. <p>Bruichladdich:</p> <ul style="list-style-type: none"> ▪ 2 fixed red lights (vertical) on the West Arm. <p>Port Charlotte is a marine facility and has no LLA function, nor does it have any navigation lights.</p>		<p>https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/port-askaig-pier</p> <p>https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/bruichladdich-pier</p>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.24	GLA returns	Are returns made to the GLA?	<p>Satisfactory – the LATON three-year return for A&BC identifies the availability return values for the period April 2020 to April 2023 as:</p> <ul style="list-style-type: none"> Cat 2 = 99.56% (target is 99.0%) Cat 3 = 100% (target is 97.0%) <p>Provision and maintenance of Aids to Navigation is recognised as an area of best practice.</p>		MJS_040	MJS
4.25-4.32	Wrecks, Abandoned or unseviceable vessels	Does the MSMS refer to powers for dealing with wrecks?	<p>Satisfactory – the MSMS, Section 10.4 addresses wrecks within the Conservancy section and with respect to marking of wrecks. There are no known wrecks in Port Askaig, Bruichladdich or Port Charlotte.</p>		MJS_001 Anecdotal	MJS
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	<p>Not applicable – the Organisation is not a Competent Harbour Authority and therefore has no requirement to operate a pilot boat.</p>		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	<p>Satisfactory – towage is commented on in the 'Navigational Safety, Pilotage & Towage Policy'.</p> <p>Observation – there is no procedure for dealing with towage (either routine or non-routine) at other A&BC ports, harbours or piers. This is important for any marine works that may require towage operations.</p>	<p>Recommendation – drafting of appropriate towage guidelines for all A&BC ports, harbours and piers.</p>	MJS_002 Observational	MJS
		Is there a process for approving towage providers?	<p>Not applicable – there are no towage providers at Port Askaig, Bruichladdich or Port Charlotte.</p>		n/a	MJS
		Are non-routine tows pre-approved / managed by the organisation?	<p>Satisfactory – towage is commented on in the 'Navigational Safety, Pilotage & Towage Policy'.</p>		MJS_001	MJS
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	<p>Not applicable – there are no known powers to licence tugs.</p>		n/a	MJS
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	<p>Satisfactory – a 'Permission to Dive Permit' is used in A&BC's ports and harbours.</p> <p>Observation – there is no diving SOP for Port Askaig, Bruichladdich or Port Charlotte.</p>	<p>Recommendation – the creation of a diving SOP or procedure that applies to all AB&C ports or harbours, or is specific to Port Askaig, Bruichladdich and Port Charlotte.</p>	MJS_047	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Not applicable – there is no history of recreational diving.		n/a	MJS
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	<p>Satisfactory – a ‘Marine Department Hot Work Permit’ is used in A&BC’s ports and harbours.</p> <p>Observation – there is no hot work SOP for Port Askaig, Bruichladdich or Port Charlotte.</p>	<p>Recommendation – the creation of a hot work SOP or procedure that applies to all AB&C ports or harbours, or is specific to Port Askaig, Bruichladdich and Port Charlotte.</p>	MJS_045 MJS_046	MJS
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	<p>Satisfactory – CalMac ferries do not bunker at Port Askaig. The Jura Ferry and fishing vessels may bunker by road tanker or from fuel cans. Bunkering does not occur at Bruichladdich or Port Charlotte.</p> <p>Observation – there is no evidence of third parties bunker check lists in use at Port Askaig.</p>	<p>Recommendation – the Harbour Authority should retain bunkering check lists.</p>	n/a	MJS
GtGP – 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	<p>Satisfactory – for vessels booked into Port Askaig by the Campbeltown team, a check of workboats is made.</p> <p>Observation – the Council does not have a formalised process for checking commercially operated Coded vessels.</p>	<p>Recommendation – the Harbour Authority considers the requirements of the GtGP (Section 11.3, 11.4) with respect to regulating third party commercial workboats and launches within its area of jurisdiction and creates a registration scheme for workboats using the Authority’s area.</p>	MJS_001	MJS

B Quayside Check

Visual observation of Port Askaig, Bruichladdich Pier and Port Charlotte quayside during the site visit on the 11 May 2023.

B.1 Quayside Check: Port Askaig

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	<p>Satisfactory – Port Askaig is comprised of a north basin used mainly by fishing vessels, the main (ferry) berth and the Jura Ferry Slipway, with a southern Pier forming the southern basin. The lifeboat berths at a dedicated facility to the south of the port. Generally, the port infrastructure is of good quality with quayside areas appropriate to their use.</p> <p>Observation – at the time of the quayside checks, there were numerous mooring lines causing obstruction along the southern Pier. In a number of locations, vessel waste and other general rubbish was left on the quayside. See Image B1 and B2.</p>	<p>Recommendation – housekeeping should be improved with vessel Masters required to remove unnecessary lines from quayside areas and waste from vessels removed or disposed of properly.</p>	MJS
		Pedestrian/Disabled access for passengers or leisure users?	<p>Satisfactory – walkways were generally clear of obstructions with footpaths and vehicle marshalling areas for both the CFL ferry and Jura ferry.</p> <p>Observation – in several locations, due to the amount of available space and port road layout, both pedestrians and vehicles use the same area. This was especially noted when the CFL Ferry passenger embarked and disembarked, with vehicles dropping off or collecting foot passengers passing close to, and around queuing passengers. See Image B3.</p>	<p>Recommendation – the Health and Safety Executive (HSE) publication L148 ‘Safety in Docks: Approved Code of Practice and Guidance’ (ACOP) (HSE, 2014) Section 58 to 72 ‘Safe site – design and activity’ provides the requirements for designing and operating pedestrian and vehicle assess. The layout of Port Askaig should be considered in light of the ACOP with the aim of removing risks to pedestrians from moving vehicles associated with ferry traffic.</p>	MJS
		Is the type and condition of quayside surface appropriate to the operation?	<p>Satisfactory – the quayside surfaces of the Piers and berthing areas were appropriate to their intended use and operation.</p>		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	Satisfactory – the Piers and quayside areas had good quality and appropriately spaced water egress ladders, with grab rails fitted at deck level. Observation – some of the water egress ladders were obstructed by mooring lines, this was noted on the south Pier. See Image B4.	Recommendation – housekeeping should be improved with vessel Masters required to remove mooring lines from water egress ladders.	MJS
		Is there appropriate LSE at quay edge?	Satisfactory – Life saving equipment (life rings) were installed along all Piers and quayside. Observation – not all life rings were fixed. See Image B5.	Recommendation – life rings should be checked on a routine basis with any damaged items repaired or replaced.	MJS
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	Satisfactory – the bollards along the Piers are (visually) in good condition. Observation – the quay bollards were not numbered, or Safe Working Loads (SWL) identified. See Image B6.	Recommendation – bollards and bits are inspected, numbered and SWL added.	MJS
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	Satisfactory – fendering on the Pier is vertical rubber sections on timber, the condition of which is considered to be good from visual observation. In other areas, the fendering is wood vertical sections with some tyres used for fishing vessels and workboat berths.		MJS
		Is the condition of the fendering in good order?	Satisfactory – fitted fendering was observed to be in serviceable condition.		MJS
		Are chaffing plates used?	Satisfactory – wooden beams/toe rails are used along the Pier edge as protection from lines chaffing on the quay and also double as barriers to prevent items being knocked off the Piers onto vessels moored below. Observation – the wooden beams/toe rails along the southern Pier has some sections that had sustained damage. See Image B7. It was also noted that equipment may have been installed at the Pier that was causing damage to wooden sections. See Image B8. The attachment of this item had caused the wooden beam to loosen.	Recommendation – that inspection and maintenance of quayside beams/rails is conducted. Any equipment fitted to the Pier should be fitted in such a way as to prevent damage to infrastructure.	MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	Satisfactory – there is ample lighting on the Piers, ferry berth and the slipway. The marshalling area and footpaths has street lighting.		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	Satisfactory – there is adequate delineated between quayside operations along the Piers. Observation – there is mixed pedestrian, public and fishing use away from the quayside. This is unavoidable given the space and roadway layout. See previous response to 'Access'.	See previous recommendation on Access.	MJS
ACOP 82	Signage	Is appropriate signs and markings provided	Satisfactory – the harbour has adequate signage.		MJS

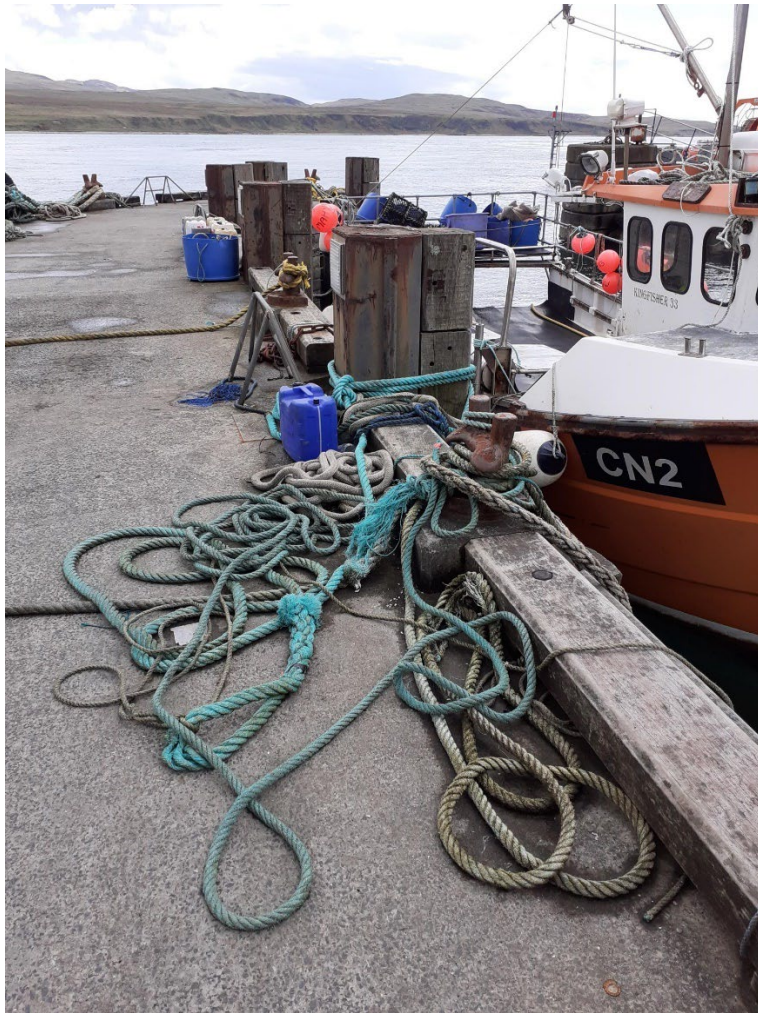


Image B1. Port Askaig, mooring lines South Pier



Image B2. Port Askaig, vessel waste and rubbish on the quayside



Image B3. Port Askaig, mixed passenger and vehicle use



Image B4. Port Askaig, obstructed water egress ladder



Image B5. Port Askaig, unattached life ring



Image B6. Port Askaig, bollard

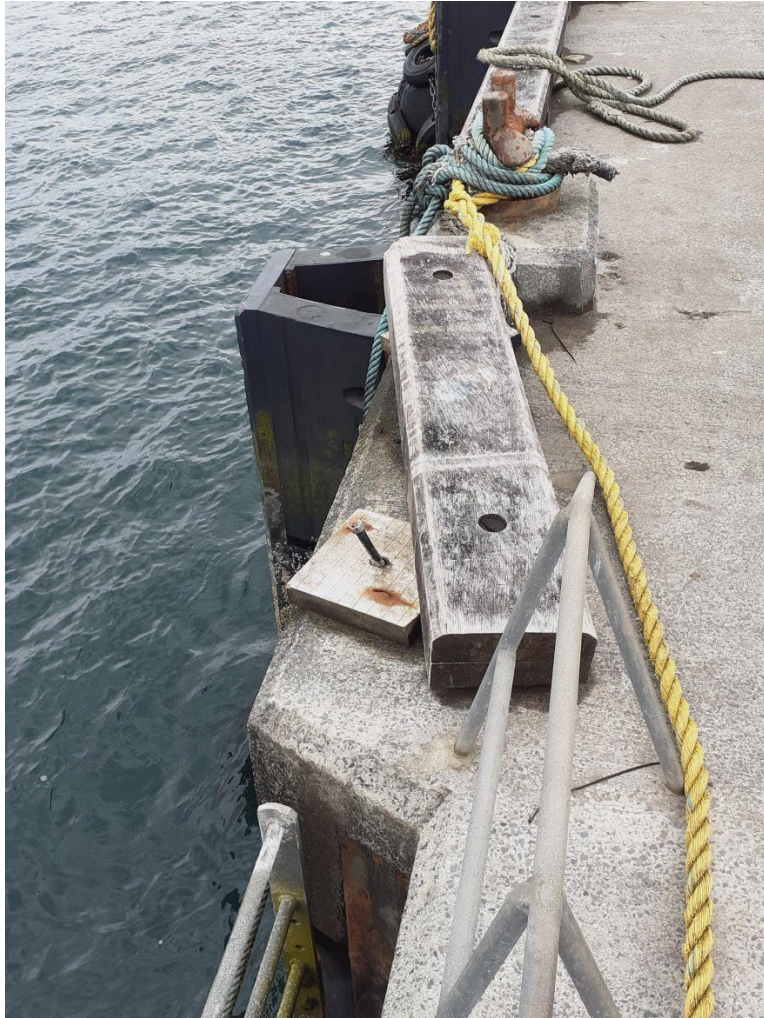


Image B7. Port Askaig, broken capping rail



Image B8. Port Askaig, equipment inappropriately fixed

B.2 Quayside Check: Bruichladdich Pier

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	<p>Satisfactory – the quayside is comprised of an original stone pier used by the local community and inshore fishing vessels, leading to a new jetty with eight mooring dolphins connected by walkways. The new pier and dolphins are clear of debris and obstructions with access controlled through security gates.</p> <p>Observation – the common user stone Pier had a number of mooring lines obstructing the stone steps used to access and egress the launch point and water, the quayside also had an amount of plant growth which could present a slip or trip hazard. See Image B9.</p>	<p>Recommendation – housekeeping on the stone pier is improved with redundant mooring lines removed and plant growth removed from the pier surface.</p>	MJS
		Pedestrian/Disabled access for passengers or leisure users?	<p>Satisfactory – walkways were clearly marked for pedestrians to access the pier.</p>		MJS
		Is the type and condition of quayside surface appropriate to the operation?	<p>Satisfactory – the stone pier and new pier with mooring dolphins is appropriate to its use and operation.</p>		MJS
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	<p>Satisfactory – the pier has appropriately spaced LSE. At the stone pier, some of the water egress points were built into the dockside infrastructure.</p> <p>Observation – one of the water egress ladders at the original stone Pier was severely corroded and not in a usable condition. See Image B10.</p>	<p>Recommendation – the water egress ladder is replaced and/or removed.</p>	MJS
		Is there appropriate LSE at quay edge?	<p>Satisfactory – life saving equipment (life rings) were installed along the Pier.</p> <p>Observation – not all life rings were in a serviceable condition and housed correctly. See Image B11.</p> <p>Observation – some of the oil pollution response equipment storage bins had been used for waste. See Image B12.</p>	<p>Recommendation – life rings should be checked on a routine basis with any damaged items repaired or replaced.</p> <p>Recommendation – oil pollution response equipment storage should be checked, and any unnecessary items removed.</p>	MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	<p>Satisfactory – the bollards and mooring hooks along the new Pier were (visually) in a serviceable condition.</p> <p>Observation – the bollards were not numbered, or Safe Working Loads (SWL) identified. See Image B13.</p>	<p>Recommendation – bollards and bits are inspected, numbered and the SWL added.</p>	MJS
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	<p>Satisfactory – fendering on the new Pier is sprung fender units, secured with chains. This appeared (visually) to be in a serviceable condition. Fendering on the original Pier was in the form of tyres or timber sections.</p>		MJS
		Is the condition of the fendering in good order?	<p>Satisfactory – fitted fendering was observed to be in serviceable condition.</p>		MJS
		Are chaffing plates used?	<p>Satisfactory – metal tubular rails are used along the outer edge of the new Pier to allow mooring lines to run over them without fouling or chaffing. Chaffing plates or wooden sections are not used on the original Pier.</p>		MJS
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	<p>Satisfactory – there is ample lighting around all berths at the new Pier and original Pier. (Note, quayside checks carried out in daylight only).</p>		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	<p>Satisfactory – there is adequate delineated between the commercially operated new Pier and the public use original Pier. Security gates are used to restrict access.</p>		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	<p>Satisfactory – the harbour has signage.</p> <p>Observation – a number of Pier signs had weathered and deteriorated to the point of being illegible. See Image B14.</p>	<p>Recommendation – a full check of signage should be conducted with degraded or illegible signed replaced.</p>	MJS



Image B9. Bruichladdich, stone pier plant growth and moorings



Image B10. Bruichladdich, severely corroded water egress ladder



Image B11. Bruichladdich, life ring incorrectly secured



Image B12. Bruichladdich, oil pollution equipment storage

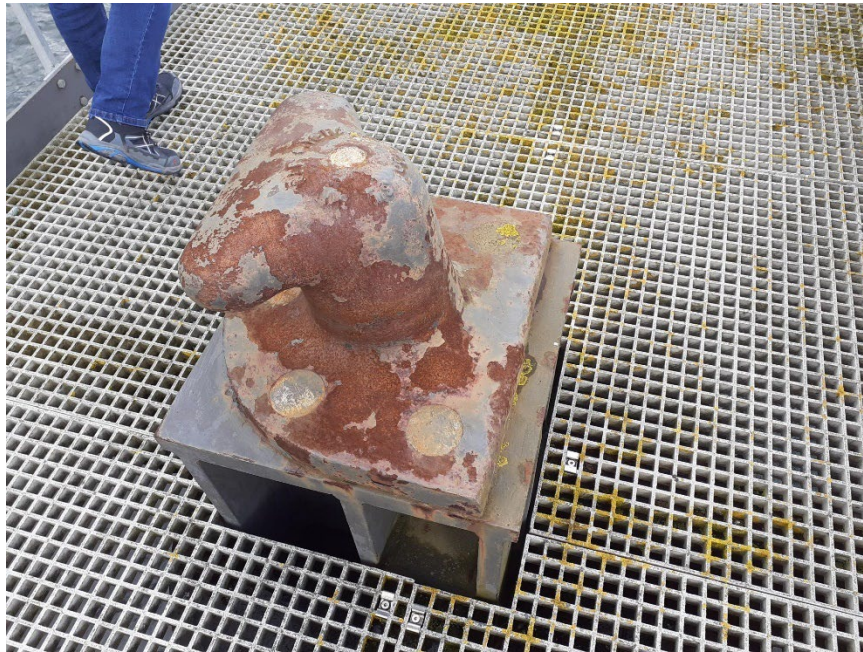


Image B13. Bruichladdich, bollard



Image B14. Bruichladdich, illegible signage

B.3 Quayside Check: Port Charlotte

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	Satisfactory – the Pier was clear of debris and obstructions.		MJS
		Pedestrian/Disabled access for passengers or leisure users?	Satisfactory – there was one area comprised of a stone and concrete Pier, with open access to the public and for vessel berthing.		MJS
		Is the type and condition of quayside surface appropriate to the operation?	Satisfactory – the Pier was appropriate to its use.		MJS
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	Satisfactory – the Pier had a water egress ladder at the end which was in good condition, and a set of stone access steps half way along the Pier which had railings to reduce the risk of an accidental fall.		MJS
		Is there appropriate LSE at quay edge?	Satisfactory – the Pier had one life ring. Observation – the life ring housing was broken and not secured to a support. See Image B15	Recommendation – life rings should be checked on a routine basis with any damaged items repaired or replaced.	MJS
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	Satisfactory – mooring rings are installed on the Pier. Observation – some of the mooring rings are visually deteriorated and may not provide sufficient restraint capacity. See Image B16.	Recommendation – mooring rings should be inspected and replaced if significantly deteriorated.	MJS
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	Satisfactory – fendering on the Pier is vertical rubber sections on timber, the condition of which is considered to be good from visual observation. In other areas, the fendering is wood vertical sections with some tyres used for fishing vessels and workboat berths.		MJS
		Is the condition of the fendering in good order?	Satisfactory – fitted fendering was observed to be in serviceable condition.		MJS
		Are chaffing plates used?	Not applicable – chaffing plates and/or wood sections are not used on the Pier.		MJS
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	Not applicable – there is no lighting at the Pier, the facility is not used for loading or unloading vessels at night.		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	Satisfactory – the facility is one Pier, extending from the shore. The layout is comprised of one Pier section.		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	Observation – there is no signage at the Pier.	Recommendation – a sign with contact details for A&BC as the marine asset owner would be advisable, this will allow users to make contact if the facility is damaged or assistance is required.	MJS



Image B15. Port Charlotte, life ring incorrectly secured



Image B16. Port Charlotte, degraded mooring ring

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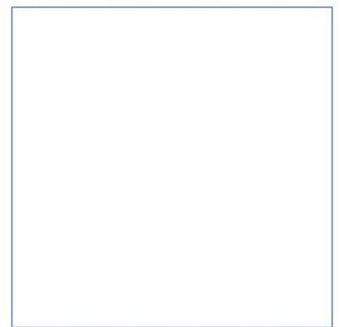
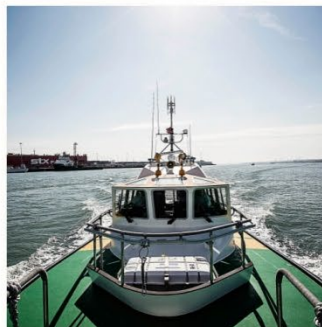
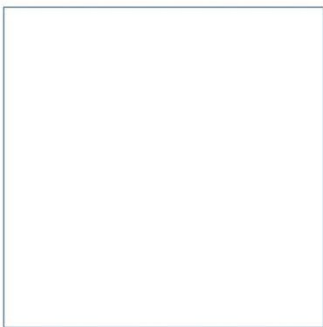
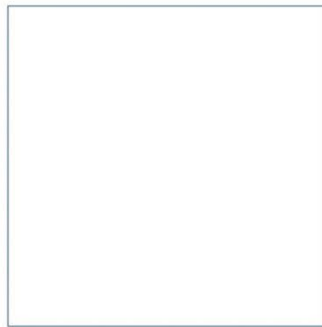
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Argyll and Bute Council

Designated Person (PMSC)

Annual Report 2024

February 2024



Innovative Thinking - Sustainable Solutions

Designated Person (PMSC)

Annual Report 2024

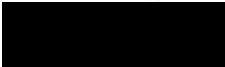


February 2024



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1 Introduction

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

2 Port Marine Safety Code

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

Table 1. Port Marine Safety Code Ten Key Measures

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

2.1 Argyll and Bute Council and the Code

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

1. **Bruichladdich Pier**, by virtue of the 'Islay Piers Order, 1904'.
2. **Campbeltown Harbour**, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
3. **Carradale Harbour**, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
4. **Craignure Harbour**, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.
5. **Dunoon Harbour**, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
6. **Oban North & South Pier**, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
7. **Port Askaig**, by virtue of the 'Port Askaig Acts and Order 1904 to 1975'.
8. **Rothesay Harbour**, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.

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

2.2 Assurance audits

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

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

3 Audit Outcome

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

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

Table 2. Rothesday Harbour

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

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

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

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

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

One item of best practice was noted:

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

3.1 Assurance audit outcome

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

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

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

4 Delivery Plan and Activities

During 2023, the Designated Person has attended the following:

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

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

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

5 Designated Person Summary

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

The audits carried out at Rothesay Harbour, Port Askaig, Bruichladdich Pier and Port Charlotte during 2023 have identified through evidence sampled during the audit and onsite observations, that the Council has met the minimum requirement of the Port Marine Safety Code.

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

6 References

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

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

7 Abbreviations / Acronyms

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

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

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ARGYLL AND BUTE COUNCIL

ARGYLL & BUTE HARBOUR BOARD

ROADS AND INFRASTRUCTURE SERVICES

MARCH 21 2024

MARINE ASSET MANAGEMENT PLAN

1.0 INTRODUCTION

- 1.1 This report provides Harbour Board Members with a review of the marine infrastructure 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.

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 £28.75 million worth of capital works are underway or about to commence in the financial year 2024 / 2025.
- 2.1.3 Note that there is a potential spend of c. £129 million over the next 5 years, the majority of which will support the new CMAL & CFL / CalMac fleet renewal.
- 2.1.4 Approve the award of the £15 million works for Iona breakwater project.

3.0 DETAIL

- 3.1.1 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 to repay loan charges.

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.

3.2 Marine Services are presently engaged in a number of long and shorter term projects and works across Argyll & Bute which include:

3.2.1 Craignure – New Ferry Terminal

Following advice from the Scottish Government's Marine Directorate we have unfortunately had to stand down our ground investigation (GI) contractor until the spring.

The GI works have been awarded to DUNHELM Geotechnical & Environmental Ltd with an initial plan to start on site 24th August last year for around 4 weeks. We do not anticipate that our works proposals will change through this extra process.

Our priority remains getting through the licence process as quickly and efficiently as possible and having everything in place for these important works to go ahead.

A timeline is being developed around some assumptions on the scale of construction for each option and location. Following extended local consultation and input, the potential issue of consensus between Craignure Community, CFL and the wider Mull and Iona views on scale will require a resolution when the GI works are completed

Costs are estimated at £3M over the next two years, to reach construction which includes Ground Investigation, Licencing, completion of business cases, Environmental Impact Assessments, design and tendering.

3.2.2 Iona breakwater – protection of ferry berthing slip

The breakwater works were tendered recently with returns received at the end of January 2024. Contractor commencement is planned to begin in the summer of 2024 with completion estimated by summer 2025. These works will include the adjacent slipway repairs as well as the replacement of the toilet block.

Tender return is for £15M and approval is sought for this award.

3.2.3 Fionnphort overnight berthing facility

Fionnphort overnight berthing facility

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 socio-economic 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, public engagement and other preparations with a view to tender in the summer of 2024.

Costs are estimated at £500k for 2024 / 2025 and thereafter an estimated £25M for construction works.

3.2.4 Port Askaig – Marshalling area development for new CalMac vessels

Port Askaig will be upgraded this year to accommodate the new, larger capacity CalMac ferries. The first vessel is expected to be delivered in October and entering service after sea trials and crew familiarisation.

The concept design provides for a nominal marshalling space of 129% of the new vessel PCU capacity and in occasional or extreme circumstances can be increased to 186% of the vessel PCU capacity while still incorporating extra safety features.

Additional off site space of c.50 PCU is also be progressed

Costs are estimated at £2M for the new vessel enabling works including the off-site car park.

3.2.5 Campbeltown Harbour

Tenders were returned for the replacement of 'Wall A' at the Old Quay and is ready now for award.

Tender return is for £6M to complete the replacement of the quay wall over the next two year period.

3.2.6 Rothesay Harbour

Stability works to the main berthing face were tendered over the winter and are due to be awarded very shortly. These works will be undertaken overnight to minimise disruption of the ferry service.

Once the tender is awarded, coordination discussions will take continue with Calmac to ensure minimal disruption to services and to protect any especially busy times. These works are planned to commence in spring 2024 and expected to extend into early 2025.

Costs are expected to be £4.5M over the two year period.

3.2.7 Dunoon Harbour

Although the combined programme of works for Gourock, Dunoon and Kilcreggan has been paused while Transport Scotland completes its work on the vessel funding, areas where improvements are required have been identified irrespective of the outcome of the larger project.

The intention is that these improvements will form 'Phase 1' of the larger works if they go ahead, however that decision is not required to justify these particular improvements to the facilities and utilities connections.

Interim plans are in development with costs expected to be in the region of £350k which include a waiting room / Harbour Office building and a connection to amenities.

4.0 CONCLUSION

- 4.1 This report provides Harbour Board Members with a review of the marine infrastructure 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.

5.0 IMPLICATIONS

5.1 Policy

None directly arising from this report.

5.2 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.

5.3 Legal

Considered to be none directly arising from this report.

5.4 HR

None.

5.5 Fairer Scotland Duty:

5.5.1 Equalities - protected characteristics

None directly arising from this report.

5.5.2 Socio-economic Duty

None directly arising from this report.

5.5.3 Islands

Completed works and projects will enhance service reliability and community connectivity

5.6 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.

5.7 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.

5.8 Customer Service

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

5.9 The Rights of the Child (UNCRC)

None directly arising from this report

Kirsty Flanagan

Executive Director with responsibility for Roads and Infrastructure Services

Policy Lead Councillor Andrew Kane

FEBRUARY 2024

For further information contact:

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

APPENDICES

Appendix 1

Marine Asset Management Plan

Project	2024/25	Items	2025/26	Items	2026/27	Items	2027/28	Items	2028/29	Items
Year Totals	£28,750,000		£28,250,000		£30,900,000		£30,000,000		£11,000,000	
Bunessan										
Campbeltown New Quay	£100,000	HPU Control panel and cylinder O/H								
Campbeltown Old Quay	£5,000,000	Construction wall A	£1,000,000	Complete Construction of wall A						
Craignure	£1,000,000	GI works, licencing. Finalise design and Tender documentation	£2,000,000	GI works, licencing. Finalise design and Tender documentation	£20,000,000	Construction of terminal	£20,000,000	Construction of terminal	£10,000,000	Complete construction of terminal
Craignure	£1,000,000	New PAS Design & build								
Cuan Ferry slip			£2,000,000	Construction new slips	£1,000,000	Complete construction				
Dunoon Harbour	£350,000	Essential upgrade works								
Easdale Pier			£1,000,000	New slip: Infrastructure	£400,000	New slip: Construction of slips				
Ellenabeich Pier			£1,000,000	New slip: Construction of breakwater	£4,000,000	New slip: Construction of breakwater				
Feolin Ferry slip										
Fionnphort	£500,000	New aligning structure: Construction	£20,000,000	Ongoing construction	£5,000,000	Complete construction				

Gigha Ferry slip	£300,000	Consultancy for Design & EIA (inc Tayinloan)	£250,000	Consultancy for Design & EIA (inc Tayinloan)	£500,000	Start construction breakwater & aligning structure	£10,000,000	Ongoing construction	£1,000,000	Complete construction breakwater and aligning structure
Iona Ferry slip	£15,000,000	Construction breakwater								
Kilcreggan										
Oban North Pier		TBA								
Port Askaig	£2,000,000	New Islay vessel enabling works								
Rothesay	£3,500,000	Berthing face stab works	£1,000,000	Round head capital works						

ARGYLL AND BUTE COUNCIL**HARBOUR BOARD****ROADS AND INFRASTRUCTURE
SERVICES****21 MARCH 2024**

OBAN HARBOUR REVISION ORDER - Clarification for Noting

1.0 INTRODUCTION

- 1.1 This report is to clarify comments made in the earlier reports of 31 August 2023 and 31 January 2024 to the Harbour Board as noted herein.

2.0 RECOMMENDATIONS

It is recommended that the Harbour Board:

- 2.1 Note the update provided in this report.

3.0 DETAIL

- 3.1 In the report to the Harbour Board of 31 August 2023 it was stated at paragraph 3.2 5: *'We have received representation from Oban Community Harbour Development Association (OCHDA) and Oban Community Council for these groups to carry out the consultation on behalf of the Council.'*
- 3.2 In the report to the Harbour Board on 31 January 2024 it was stated at paragraph 3.3 *'the representations referred to were not made by OCHDA but were received from parliamentarians which included references to views expressed by OCHDA and Oban Community Council regarding the Council's consultation arrangements. While the statement was made in reference to the consultation process, it was not a material factor put to members in their consideration of progressing with the consultation itself.'*
- 3.3 An agent for both OCHDA and Oban Community Council raised a complaint with the Council regarding the accuracy of both of those statements and a stage 2 complaint investigation was undertaken.

In responding to the complaint the Council accepted that whilst the corrective statement in the report was considered as being clear in its terms, it was considered that it would be helpful in stating that there had been no suggestion in any of the representations that OCHDA or OCC should carry out the HRO consultation on behalf of the Council.

- 3.4 It was agreed that a further clarification on these statements would be provided to the Harbour Board in the following terms *'there had been no suggestion in any of the representations from OCHDA or OCC or those from parliamentarians referred to in the reports to the Harbour Board on 31 August 2023 and 31 January 2024 respectively that OCHDA or OCC should*

carry out the HRO consultation on behalf of the Council,'

- 3.5 Having regard to the outcome of the stage 2 complaint investigation it was considered appropriate to make members aware of that and for that matter to be clarified.

4.0 CONCLUSION

- 4.1 This report is to clarify comments made in the earlier reports of 31 August 2023 and 31 January 2024 to the Harbour Board as noted herein.

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.
- 5.9 The Rights of the Child (UNCRC) – None known.

Kirsty Flanagan, Executive Director with responsibility for Roads and Infrastructure

Policy Lead for Roads and Transport, Councillor Andrew Kain

29 February 2024

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

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Argyll and Bute Harbour Board Work Plan 2024/25

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
21 March 2024					
	Marine Asset Management Plan	Marine Operations	Bi-Annual	27 February 2024	
	Port Marine Safety Code	Marine Operations	Bi-Annual	27 February 2024	
	Oban Harbour Revision Order – clarification for noting	Marine Operations	Bi-Annual	27 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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