



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
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16 March 2017

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE HARBOUR BOARD** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **THURSDAY, 23 MARCH 2017** at **1:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES** (Pages 1 - 2)
Minutes of the Argyll and Bute Harbour Board held on Thursday 19 January 2017
- 4. CROWN ESTATE**
Presentation by Paul Bancks, Asset Manager - The Crown Estate
- 5. PORT MARINE SAFETY CODE** (Pages 3 - 22)
Report by Executive Director – Development and Infrastructure Services
- 6. OBAN HARBOUR MANAGEMENT GROUP - OBAN BAY** (Pages 23 - 34)
Report by Executive Director – Development and Infrastructure Services
- 7. HARBOUR BOARD WORKPLAN** (Pages 35 - 36)
- 8. VALEDICTORY**

Argyll and Bute Harbour Board

Councillor Ellen Morton (Chair)
Councillor John Armour
Councillor John McAlpine
Councillor Alex McNaughton
Councillor Len Scoullar

Councillor Robert Graham MacIntyre (Vice-Chair)
Councillor Alistair MacDougall
Councillor Julie McKenzie
Councillor Elaine Robertson
Councillor Isobel Strong

Contact: Adele Price-Williams Tel: 01546 604480

MINUTES of MEETING of ARGYLL AND BUTE HARBOUR BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on THURSDAY, 19 JANUARY 2017

Present: Councillor Ellen Morton (Chair)

Councillor Robert G MacIntyre	Councillor Alex McNaughton
Councillor John Armour	Councillor Elaine Robertson
Councillor Alistair MacDougall	Councillor Len Scoullar
Councillor John McAlpine	Councillor Isobel Strong

Attending: Pippa Milne, Executive Director – Development and Infrastructure Services
Jim Smith, Head of Roads and Amenity Services
Stewart Clark, Marine Operations Manager
Patricia O'Neill, Central Governance Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillor Julie McKenzie.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest intimated.

3. MINUTES

The Minutes of the Argyll and Bute Harbour Board held on Thursday 10 November 2016 were approved as a correct record.

4. PORT MARINE SAFETY CODE UPDATE

Following on from a report presented to the Harbour Board in November 2016, the Board considered a report which provided an update on ongoing initiatives to ensure compliance with the Port Marine Safety Code.

Decision

The Board noted the report.

(Reference: Report by Executive Director of Development and Infrastructure Services dated 19 January 2017, submitted)

5. HARBOUR BOARD WORKPLAN

The Argyll and Bute Harbour Board considered the outline Work Plan to facilitate forward planning of reports to the Harbour Board.

Decision

1. The Harbour Board noted the Work Plan.

2. In respect of the Crown Estate Presentation, agreed that officers seek to extend the consultation deadline until after the next meeting of the Environment, Development and Infrastructure Committee on 6 April 2017, or alternatively, liaise with the Crown Estate to see if they can make a presentation to the Harbour Board before the consultation deadline of 29 March 2017; and if this is the case that a Harbour Board meeting be convened prior to 29 March 2017.

(Reference: Harbour Board Work Plan dated 19 January 2017, submitted)

ARGYLL AND BUTE COUNCIL**ARGYLL AND BUTE HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****23 MARCH 2017**

PORT MARINE SAFETY CODE

1.0 EXECUTIVE SUMMARY

- 1.1 As the Harbour Board was previously advised, Argyll & Bute Council appointed Marico Marine to provide an independent Designated Person (DP) service, as described in the Port Marine Safety Code (PMSC). The DP has highlighted a need to undertake a number of specified works that have been identified through recent audits.
- 1.2 Members are asked to note that the PMSC applies to all harbour authorities in the UK that have statutory powers and duties. The PMSC represents good practice, as recognised by a wide range of industry stakeholders. In order to comply with the Code, harbour authorities must publish a comprehensive safety plan, along with a regular assessment, showing the authority's performance against the plan.
- 1.3 The Safety Management System (SMS) document has now been published on the Council's web site.
- 1.4 The latest round of 'User Group' meetings has taken place at the Council's main ports.
- 1.5 The actions from harbour audits carried out by the Designated Person are attached to the appendix to this report, along with their current status - changes since the last report have been highlighted in bold type.
- 1.6 It is recommended that Members;
- a) note this report; and
 - b) endorse the draft Marine Safety Plan which is attached to this report.

ARGYLL AND BUTE COUNCIL

ARGYLL AND BUTE HARBOUR BOARD

DEVELOPMENT AND
INFRASTRUCTURE SERVICES

23 MARCH 2017

PORT MARINE SAFETY CODE

2.0 INTRODUCTION

- 2.1 This report provides a further update on ongoing initiatives to ensure compliance with the Port Marine Safety Code; it follows on from the last report presented to the Harbour Board in January 2017.
- 2.2 It was explained in previous reports that the Council has appointed 'Marico Marine' to provide an independent "Designated Person" (DP) service, as described in the Port Marine Safety Code (PMSC), on a three year contract which expires in December 2017.

3.0 RECOMMENDATIONS

- 3.1.1 Members are asked to;
- a) note this report; and
 - b) endorse the draft Marine Safety Plan which is attached to this report.

4.0 BACKGROUND

- 4.1 As a 'Statutory Harbour Authorities' (SHA), the Council has specific obligations set out in national legislation (notably the Harbours Act 1964). All SHAs are subject to the Port Marine Safety Code (PMSC). The Code is endorsed by the UK Government 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.
- 4.2 In order to comply with the Code, the Council must develop and operate an effective marine 'Safety Management System' (SMS). Each harbour authority must appoint a DP to provide independent assurance directly to the "Duty Holder" that the marine Safety Management System (SMS) is working effectively. Their main responsibility is to determine, through assessment and audit, the effectiveness of the Marine SMS in overall compliance with the Code.

5.0 DETAIL

- 5.1 As reported previously, audits have been carried out by the Council's DP at the following locations and dates:- Rothesay (January 2015), Oban (April 2015), Oban Times Slip, Port Beag Slip, Crinan Ferry Slips and Crinan Harbour Quay (April 2015), Campbeltown harbour (January 2016), and Dunoon (September 2016). The actions from all audits are attached to the appendix to this report, along with their current status – as before, changes since the last report have been highlighted in bold type.
- 5.2 The Safety Management System (SMS) document has now been published on the Council's web site under 'Piers and Harbours'. The PMSC states that Statutory Harbour Authorities must publish a safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years. The Council's draft Marine Safety Plan is attached in Appendix B to this report and Members are asked to endorse this report prior to its formal issue.
- 5.3 The next round of 'User Group' meetings has taken place at Rothesay, Oban, Dunoon and Campbeltown. The Campbeltown meeting was arranged as a joint meeting for users of both Carrdale and Campbeltown harbours - this meeting was very well attended. Both the Rothesay and Oban User Group Meetings have elected Chairs. A separate meeting took place with Argyll Ferries in January to discuss PMSC-related issues. A request for a meeting with the Waverley Trust has been issued and, to date, a response has not been received; officers will continue to pursue this issue.

6.0 CONCLUSION

- 6.1 The Council's Marine Safety Plan has been completed and is attached to this report for endorsement by Members prior to issue. The next round of User Group meetings has taken place at our main ports. Actions to address issues raised by the DP in previous audits are either complete or ongoing – as identified in the attached schedule to this report.

7.0 IMPLICATIONS

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|-----|------------------|--|
| 7.1 | Policy | None directly arising from this report |
| 7.2 | Financial | The appointment of Marico Marine as 'Designated Person' has been met through operational budgets. |
| 7.3 | Legal | Any failure to implement the PMSC could have legal consequences in the event that there should be a marine incident. |

7.4	HR	None
7.5	Equalities	None
7.6	Risk	The Council is undertaking to carry out actions to minimise risk to Council as a result of the operation of our Ports and Harbours
7.7	Customer Services	Having a completed Port Marine Safety Code in place will assist port customers with the use of our Ports and Harbours and Council staff with their safe operation.

APPENDIX A – Port Marine Safety Code – Actions Update

APPENDIX B – Draft Marine Safety Plan - 2017 to 2020

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads & Amenity Services: Jim Smith

Policy Lead: Councillor Alistair MacDougall

9 March 2017

For further information contact: Stewart Clark, Marine Operations Manager

Tel: 01546 604893

APPENDIX A

ROTHERSAY - PMSC Recommendations (January 2015)	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
1. Ensure that once appointed all members of the Harbour Board are appropriately trained.	Training provided	Complete	n/a	Complete	Completed on 15 August 2016
2. The Designated Person to be given terms of reference (to be included in the Safety Management System) and contact details and independent access to the appropriate Duty Holder(s).	n/a	Details provided	Done		Completed
3. Set-up a local harbour users' group forum at the earliest opportunity.	Marine Manager organising for April	Initial meeting held through NRA process. Formal meetings now started.	Done	1st Users' Group Meeting held in April.	Completed
4. Publish a generic Marine Safety Management Plan for all harbours controlled by Argyll and Bute Council and with appropriate appendices for each of the main ports. The plan should set performance standards against proposed plans and against the standard in the Code over a three yearly period.	The SMS document has now been published on the Council web site - a plan, explaining how the SMS document is to be used, has now been compiled.	Complete	Yes	Draft prepared	Complete and awaiting endorsement by the Harbour Board.
5. The navigation risk assessment methodology and how the hazard input scores were arrived at is not clear nor understood, it is therefore imperative that this is ascertained at the earliest opportunity.	Further training on Marni's software provided in April'16.	NRA Workshops have taken place	Methodology explained in SMS document.	Completed with issue of SMS document.	Completed
6. Once the navigation risk assessment scoring system is understood, the harbour should undertake a review of the hazards, with appropriate consultation to ensure that all navigation hazards have been clearly identified and appropriately scored.	n/a	As above - NRA Workshops have taken place	Done	Working groups considered hazards. Further consultation has taken place with users of the port.	Completed
7. Review, correct and update the Safety Management System as identified in this report.	Complete	Document has been published on Council web site	Yes	Complete	Completed
8. Update, amend and correct the Port Emergency Plan.	Harbour Master have now completed their respective Port Emergency Plans	Template document was circulated to harbourmasters - Rothesay, Dunoon and Campbeltown for consistent approach.	n/a	Complete	Complete

ROTHESAY - PMSC Recommendations (January 2015)	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
9. Put in place an emergency plan exercise time-table.	n/a	Port security exercise at Campbeltown carried out in Aug 2015. Programme complete.	To be added to SMS appendix	Programme complete and circulated.	Completed
10. Review the relationship between the incident reporting system, incident investigation reports, the NRA, the SMS and the subsequent amendment of the related regulations i.e. new Byelaws and procedures, to ensure that there is a well-documented system in place.	Statement placed in SMS document and SMS document now published.	SMS document published.	Yes	Complete	Completed
11. A improved reporting system should be set-up and promulgated via a Notice to Mariners and details added to the harbour website. Incidents should be formally recorded in a database for ease of reference and performance measured against periodic audits, safety inspections or following an incident. The harbour can then evaluate performance and identify any lessons learnt and improvements to be made to operational procedures	Technical Officer to produce central database. All Harbourmasters/Ferry Staff <u>must</u> report centrally. Dialogue ongoing with colleagues in IT re web sites.	New Marnis software system has now been installed. Website now requires updating.	No	Revised target date for new website	Ongoing discussion with IT - target date June 2017
12. On inspection the HM does not have a copy of the post dredge maintenance survey following the 2012 survey identifying "humps" in the outer harbour which have supposedly been removed. The 2014 survey only details soundings outside the northern pier.	n/a	Bathymetric survey carried out by Aspect Surveys	n/a	Next survey due mid-2018	Completed
13. A check needs to be made with the UKHO that the 2 x Fixed Yellow lights (as recommended by the NLB on the eastern end of the linkspan have been promulgated.	Technical Officer confirmed with UKHO	UKHO contacted.	n/a	Checked and confirmed as done.	Completed

OBAN - PMSC Recommendations (April 2015)	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
1. Clarification should be sought as soon as possible with regards to ascertaining the relevant maritime local legislation describing the main duties and powers pertaining to the Statutory Harbour Authority. Alternatively, identify the enabling local legislation and from this establish the status and the area of jurisdiction of the Argyll and Bute Council marine involvement in Oban Harbour.	Progressing - In discussion with Legal Services	Further work by Legal Services is being undertaken to progress compilation of bye-laws and/or harbour directions.	No		A&BC - Legal Services - has confirmed existence of Oban Pier and Harbour Order, 1864. Discussions are ongoing with CMAL and NLB regarding the Single Harbour Authority.
2. Ensure that once appointed all members of the Harbour Board are appropriately trained.	Training provided	Complete	n/a	Complete	Completed on 15 August 2016
3. A formal assessment of navigation hazards needs to be undertaken which will help to develop the safety management system.	n/a	As above - NRA Workshops have taken place	Done	Working groups considered hazards. Further consultation has taken place with users of the port.	Completed
4. Prepare a generic safety management system for the four main harbours supported with appropriate policies and procedures for the safety of navigation, enforcement, accident investigation and conservancy. Relevant information applicable to Dunoon, Campbeltown, Oban and Rothesay should be added as appendices.	Complete	Document has been published on Council web site	Yes	Complete	Completed
5. Publish a generic Marine Safety Management Plan for all main harbours setting performance against proposed plans and against the standard in the Port Marine Safety Code over a three yearly period.	The SMS document has now been published on the Council web site - a plan, explaining how the SMS document is to be used, has now been compiled.	Complete	Yes	Draft prepared	Complete and awaiting endorsement by the Harbour Board.
6. Carry out a hydrographic survey for the North Pier berths and ensure that the results are promulgated to harbour users' accordingly.	n/a	Bathymetric survey carried out.	n/a	Next due end of 2018.	Complete
7. Set-up a local harbour users' group forum in conjunction with Caledonian Maritime Assets Ltd., at the earliest opportunity.	Done	1st Users Group held - discussions with Calmac re a combined meeting in future.	No	Names of members on Users Group will be listed in appendices to SMS for each specific port.	Complete - 1st Users' Group meeting held in late April'16.

OBAN - PMSC Recommendations (April 2015)	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
8. Prepare a harbour emergency plan.	Completed by Harbourmaster.	Template document has been circulated to harbourmasters for consistent approach.	No	Port Emergency Plans for each specific port will be added to SMS appendices.	Complete
9. It is recommended that a 3 year exercise (security, pollution and emergency) programme is published for all the main harbours under A&BC authority with joint participation and lead shared.	n/a	Port security exercise at Campbeltown carried out in Aug 2015. Programme complete.	To be added to SMS appendix	Programme complete and circulated.	Complete
10. A procedure is required to ensure that the transfer of gas oil across the jetty is properly administered and the vessel operator and fuel delivery driver are compliant with the prevention of oil pollution.	n/a	Risk Assessments in place		Procedure in place.	Complete
11. Clarify the procedure for the allocation of licences for vessels carrying 12 or less passengers plying for trade in Oban Bay ensuring that a competent person undertakes periodic checks of vessel equipment and crew competence.	Involvement from HM's in process.	Procedure available on A&BC website - Legal services issue a licence. DP asks for the process to be revised. Advice awaited from Legal Services	No	A process is currently in place - extra step to be included to allow on-spot inspections to be carried out by harbour staff.	Reported previously as completed - now being revisited.
12. There is currently no published documentation in place describing the PMSC requirements relating to roles and responsibilities of executive and operational posts as well as a commitment to complying with the standards of the PMSC.	Complete	Document has been published on Council web site	Yes	Information contained within SMS document which is now published on the Council web site.	Completed
13. It would be beneficial if the "Code for Safe Navigation" is published on the Council website, wider distribution through a Notice to Mariners as well as being sent to appropriate yachting organisations and publications such as Clyde Cruising Club etc.	n/a	Done	n/a	The Code for Safe Navigation is now on Council website	Completed
14. Consideration should be given to having a Permit to Work system for any hot work undertaken onboard any vessel whilst alongside North Pier. This should be promulgated by a Local Notice to Mariners.	Technical Officer has discussed with H&S officer.	Proforma received from central H & S - adjusted to suit.	n/a	Permit to Work system now in place.	Complete

OBAN - PMSC Recommendations (April 2015)	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
<p>15. A formal Accident/Incident procedure should be put in place which links into the enforcement process. The relationship between the incident reporting system, incident investigation reports, the Navigation Risk Assessment, the Safety Management System and any subsequent amendment of the related regulations .</p>	<p>Technical Officer to produce central database. All Harbourmasters/Ferry Staff <u>must</u> report centrally. Dialogue ongoing with colleagues in IT re web sites.</p>	<p>New Marnis software system has now been installed. Website now requires updating.</p>	<p>No</p>	<p>Revised completion date.</p>	<p>Ongoing discussion with IT - target date June 2017</p>

A&BC SLIPWAYS / PIERS - PMSC Recommendations	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
PORT BEAG (April 2015)					
1. There are a number of derelict boats on the waste ground to the east of the slipway. It is understood that notices have previously been placed on the boats warning the owners that the boats will be removed. It is recommended that this notice is enforced, the boats are removed and the area is tidied up accordingly.	n/a	Land ownership issues, previous investigation by our Estates Dept into surrounding area proved inconclusive. A general tidy up of the slip area by the slip users carried out October 2014. A & BC provided skip	n/a	Council land is clear - remaining boats not in Council ownership	Completed
2. It is considered that it would be beneficial if advisory / information notices were posted at the sea end and the entrance to the slip from the road.	Standard sign to be produced for all unmanned slipways.	Ongoing	n/a	New signage to be commissioned by Marine Operations	A review of all signing at Piers and Harbours is currently being carried out - due for completion, including installation by June '17. * Revised date.
OBAN TIMES SLIP (April 2015)					
1. The overall general condition of the slipway and fendering is considered to be good. There are a number of stainless steel mooring rings on the slip. It was unclear from discussion with the Oban North Pier harbour master when the rings were last inspected and it is therefore recommended that this is checked with the A&BC Technical Officer.	n/a	Inspection carried out 19 May 2015 prior to arrival of QM2. Next inspection due on May 2017.	n/a	Some minor defects found, recorded in report. Defects passed on to council engineers to undertaken as part of improvements to Oban slip through Lorn Arc works.	Completed
CUAN FERRY SLIP – ISLE OF SEIL (April 2015)					
1. Concerns were expressed by the ferry crew about the state of the underpinning of the jetty and the possible evidence of erosion. It would therefore seem appropriate to undertake an inspection of the structure as soon as practicable.	Dive survey carried out 18 October 2013 which highlighted the undermining at the base of slipway wall. Subsequent repairs carried out to the slipway deck slab. The undermining issue has yet to be resolved (difficult to repair and keep ferry running). Similar problems exist to the pillars at Point Jetty Lismore.	Monitoring by Technical Staff. Ongoing	n/a	Works programmed for 16/17.	Target - issue of tenders delayed due to staffing issues - new target March 2017 * Revised target date.
2. There appeared to be some doubt about the last inspection undertaken of the mooring rings whereby it was understood by the crew that some were condemned, albeit they are still in use. This needs to be verified as soon as possible and if the mooring rings are condemned they should be removed and/or replaced.	n/a	Done	n/a	Inspected and works carried out by a contractor. 2 rings replaced / 2 rings fixed	Completed

A&BC SLIPWAYS / PIERS - PMSC Recommendations	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
3. The method of tying up the ferry and use of mooring rings was discussed with the mate and in the opinion of the observer was considered inadequate and unsafe. The rope is currently being put underneath the ring and around the ring connection to the concrete and is likely to slip-off. The rope should either be placed through the ring and tied accordingly or alternatively pass the eye of the rope through the ring and use a wooden/metal spike to secure.	n/a	Done	n/a	Letter to all Cuan ferry staff was issued in July 2015 by H of S.	Completed
4. The fuel pump cabinet was inspected and there is a significant leak behind the fuel line which apparently has been getting steadily worse and was apparently reported 3/4 years ago. This needs to be investigated and repaired accordingly.	n/a	Done	n/a	Procedure has been altered, fuel now being delivered by tanker direct to the vessel. Diesel tank removed.	Completed
CRINAN HARBOUR QUAY (April 2015)					
1. There are several quay ladders along the jetty-face one of which seems to have been poorly installed and outwith of the correct fixings and probably needs to be removed.	n/a	Inspections carried out on all Council rings and ladders fixed in position	n/a	One non fixed ladder supplied by private individual - remains in place	Completed
2. The jetty and steps are uneven but taking into account the age are in a reasonable condition. It is unclear at what intervals the jetty is inspected and what records are maintained. An auditable inspection regime should be set up (for all areas under the jurisdiction / responsibility of A&BC)	n/a	Done	n/a	Inspection regime in place - completed	Completed
3. The signage approaching the jetty and entrance to the adjacent car park states numerous rules and regulations, none of which are monitored or enforced. A review of signage needs to be undertaken (here as well as elsewhere as above).	Standard sign to be produced for all unmanned slipways.	Ongoing	n/a	New signage to be commissioned by Marine Operations	A review of all signing at Piers and Harbours is currently being carried out - due for completion, including installation by June '17. * Revised date.

CAMPBELTOWN - PMSC Audit Recommendations (January 2016)	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
1. Clarification should be sought as soon as possible with regards to establishing the statutory harbour limits and ascertaining the relevant local enabling legislation describing the main duties and powers pertaining to the Statutory Harbour Authority.	Complete	Done	Yes	A&BC - Legal Services - has confirmed location of statutory harbour limits. Further work by Legal Services is being undertaken to progress compilation of local bye-laws and/or harbour directions.	Complete - harbour limits identified.
2. Improve the dissemination of marine information available to harbour users.	Technical Officer to produce central database. All Harbourmasters/Ferry Staff <u>must</u> report centrally. Dialogue ongoing with colleagues in IT re web sites.	New Marnis software system has now been installed. Website now requires updating.	No	As new and revised information is produced and becomes available - Navigational Risk Assessments (NRA's) / Safety Management System (SMS) / revised Pilotage Manual etc. - this will be circulated via the Harbour Users' Group and through the Council website.	Revised target date of June 2017.
3. Several of the 'local' navigation risk assessment risk controls itemised require clarification as there appears to be no formal procedures / policies supporting them.	Harbour Master with assistance from colleagues	Done	Yes	Further NRA Workshop has now taken place.	Complete
4. The navigation risk assessment has ignored any reference to military and commercial tankers using the Oil Fuel Depot situated in the loch.	Further review of risk assessments has now been carried out.	Meeting has now taken place with Queen's Harbour Master. Memorandum of Understanding between the Council and QHM has been signed and is now in place.	Yes	Complete	Complete
5. The SMS is still in draft format and needs to be progressed and finalised soonest. Once completed it is recommended that it is presented at the next stakeholder meeting as well as published on the website.	Complete	Document has been published on Council web site	Yes	Complete	Completed
6. Publish a generic Marine Safety Management Plan for all the main Council harbours, setting performance against proposed plans over a three yearly period.	The SMS document has now been published on the Council web site - a plan, explaining how the SMS document is to be used, has now been compiled.	Complete	Yes	Draft prepared	Complete and awaiting endorsement by the Harbour Board.
7. Amalgamate the Council and Calmac Port Emergency Plans.	Complete	Port Emergency Plan for Oban was compiled and used as template document.	Yes	Port Emergency Plan has been completed.	Complete
8. A 3 year exercise (security, pollution and emergency) programme should be published for all the main harbours under Council authority.	n/a	Done	No	Programme has been completed.	Complete

9. The Pilotage Manual and associated Pilotage Directions (April 2011 issue No.4) requires reviewing and updating by the CHA and Campbeltown Pilotage Association in order to reflect current requirements and practices. The review should include reference to Admiralty Pilots to Admiralty Pilots being used for military vessels arriving / departing at the Oil Fuel Depot.	Meeting has now taken place with Queen's Harbour Master. Information awaited.	Memo of understanding has been signed off by both QHM and Marine Ops Manager	No	MOU in place	Completed September 2016
10. Formalise the towage requirements (including use of tugs in restricted visibility) for vessels using Campbeltown with published towage guidelines.	Action completed by Harbours Staff	Document revised	Yes	Towing guidelines in place - revised to state that no towage operations will take place in 'restricted visibility'.	Complete
11. The relevant towage operators risk assessments, policies and procedures should be requested.	As per item 10 above.	Complete	Yes	Procedures now held by Harbour Master	Complete
12. Clarify the procedure for the allocation of licences for vessels carrying 12 or less passengers plying for trade in Campbeltown ensuring that a competent person undertakes the periodic checks of vessels equipment and crew competence.	Involvement from HM's in process.	Procedure available on A&BC website - Legal services issue a licence. DP asks for the process to be revised. Advice awaited from Legal Services	No	A process is currently in place - extra step to be included to allow on-spot inspections to be carried out by harbour staff.	Reported previously as completed - now being revisited.
13. Once the statutory powers of the harbour authority have been established ensure a clear enforcement policy is promulgated accordingly.	Marine Ops Manager. Dialogue ongoing with colleagues in IT re new website.	To be progressed	No	SMS document to be produced / information to be provided on Web site / User Groups to meet regularly / DP audits to continue to ensure established powers are duly enforced. Note - No Bye-Laws exist for Campbeltown Harbour. Proposed new 'General Directions' have been produced and are currently at draft stage.	Revised target date of June 2017.

DUNOON - PMSC Audit Recommendations (September 2016)	Action required and if so by whom and when	Progress	SMS updated	Comment	Completed date
1. Statutory Harbour Authority limits to be extended to take into account the breakwater and linkspan development.	In discussion with Legal Services	New action	No	In progress	To be advised
2. Improve the dissemination of marine information available to harbour users initially through a notice board and in the longer term a standalone web site	Technical Officer to produce central database. All Harbourmasters/Ferry Staff <u>must</u> report centrally. Dialogue ongoing with colleagues in IT re web sites.	New Marnis software system has now been installed. Website now requires updating.	No	Revised target date for new website	Ongoing discussion with IT - target date June 2017
3. Review and update the navigation risk assessment with harbour staff and Argyll Ferries. Several of the "local" navigation risk assessment risk controls itemised require clarification as there appears to be no formal procedures / polices supporting them.	The meeting with Argyll Ferries has now taken place and relevant documentation has been exchanged.	Done	n/a	In progress	Complete
4. The SMS is still in draft format and needs to be progressed and finalised soonest. Once completed it is recommended that it is presented at the next stakeholder meeting.	Complete	Document has been published on Council web site	Yes	Complete	Completed
5. Publish a generic Marine Safety Management Plan for all the main Council harbours setting performance against proposed plans over a three yearly period;	The SMS document has now been published on the Council web site - a plan, explaining how the SMS document is to be used, has now been compiled.	Complete	Yes	Draft prepared	Complete and awaiting endorsement by the Harbour Board.
6. A three year exercise (security, pollution and emergency) programme should be published for all the main harbours under the Council's authority;	3 year Exercise Programme circulated to harbour Masters	Complete	Yes	Complete	Complete
7. Promulgate through a Local Notice to Mariners the reduction in charted depths off the Victorian Pier identified in the recent hydrographic survey;	Complete	Complete	No	Done	Issued - July 2016
8. Request from Argyll Ferries and the Waverley Trust their respective port approach passage plans as well as their abort procedures;	Meeting has taken place with Argyll Ferries and documentation has been supplied. A meeting has been requested with the Waverley Trust - but a date has yet to be set.	Ongoing	No	Revised target but dependent upon Waverley Trust's agreement on meeting with Council officers.	Target - May 2017

9. Introduce and promulgate restricted visibility guidelines	Guidelines are now in place	Complete	n/a	Done	Complete
10. Formal confirmation is required from the Waverley Trust that those persons utilised to moor the vessel have all been suitably trained and supplied with the appropriate personal protective safety equipment when working on any of the berths managed and operated by the Council; and	See also - 8 above. Meeting requested with Waverley Trust.	Ongoing	No	Revised target but dependent upon Waverley Trust's agreement on meeting with Council officers.	Target - May 2017
11. In conjunction with issuing a Permit to Work for pier refurbishment works ensure that a Local Notice to Mariners is also promulgated	Noted - no action required other than to ensure NTM is published when/as necessary and note entered in SMS document to clarify procedure.	n/a	No	Noted	n/a

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Marine Safety Plan 2017 - 2020

Draft Feb 2017

1. Introduction

Argyll & Bute Council own and manage a number of piers and harbours and as a Statutory Harbour Authority (SHA) has responsibilities and duties under health and safety, environmental and maritime legislation and guidance.

The Port Marine Safety Code (PMSC), published in March 2000 by Department of Transport, with further revisions in 2009, 2012 and 2016, is a Department for Transport document, written in consultation with the Port's Industry to produce a code that has been developed to improve safety in UK ports and to enable harbour authorities to manage their marine operations to nationally agreed standards.

As part of its compliance with the requirements of the PMSC, Argyll and Bute Council is publishing the following Safety Plan for Marine Operations for a period of 3 years (2017-2020).

A more comprehensive overview of the structure, management and maintenance of the Safety Management System (SMS) and Argyll and Bute Councils` compliance with the PMSC in support of this Plan, is contained in the Argyll and Bute Council Marine Safety Management System Document.

2. Marine Procedures

Argyll and Bute Council have several procedures in place in support of the management and regulation of marine operations in its area. These procedures are embedded in the SMS document which has been approved by the Harbour Board.

The Marine Management Team will undertake a formal review of all marine procedures on a 3-yearly basis or as circumstances dictate.

Marine procedures are in place (and can be found in the SMS document) for the following main subjects:-

Consultation Procedure -	Section 4
Management of Navigational Safety Procedure -	Section 4.3
Training Procedure -	Section 5
Safety Planning Procedure (Management of Risks) –	Section 6
Risk Assessment Procedure -	Section 7
Hydrographic Survey Procedure –	Section 9.3
Enforcement Procedure -	section 9.11
Environment Procedure –	Section 10
Pilotage Procedure –	Section 11

3.0 The Management of Marine Operations

This Marine Safety Plan commits Argyll and Bute Council to undertaking the management and regulation of marine operations within the scope of its powers and authority in a way that safeguards its ports, ports users, the public and the environment.

Argyll and Bute Council is committed to ensuring a positive safety culture and to enhancing its risk-based Safety Management System as the basis for continuous improvement of safety performance.

Argyll and Bute Council will undertake its role and responsibilities to provide effective regulation and the safe transit of vessels using its ports and harbours.

4.0 Marine Safety Plan Objectives:

The following specific objectives are set for the period ending 31 December 2019.

Argyll and Bute Council will keep under review its powers and duties in order to ensure it can best regulate and conserve safe navigation within its areas of jurisdiction;

The Safety Management System will be maintained on the basis of a comprehensive risk analysis process and a framework for continuous improvement of safety performance;

Annual audits by the Designated Person (DP) of the Safety Management System, its functions and procedures will be maintained;

The monitoring, inspection and review requirements documented in the Safety Management System, will be implemented as appropriate;

Argyll and Bute Council will implement in a timely manner any deficiencies or safety enhancements identified through the audit process;

The proactive and reactive review of identified hazards to navigation and the associated risk control measures that mitigate those risks to an acceptable level (As Low as Reasonably Practicable);

Dedicated risk assessments of new and existing marine operations and services, as required;

All aids to navigation will be maintained to meet the International Association Lighthouse Authorities (IALA) standards;

Argyll and Bute Council shall continue to liaise with, and seek the input from all stakeholders with the mutual aim of providing effective marine safety at the Harbours in its jurisdiction;

Comprehensive training and continuing professional development for marine department personnel will be maintained;

The maintenance and exercising of the Argyll and Bute Council marine emergency plans and procedures, including Oil spill contingency plans;

The investigation of all reported marine incidents;

5.0 Management Targets for the Safety Plan for Marine Operations

Standing Targets:

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

ARGYLL AND BUTE COUNCIL**ARGYLL AND BUTE HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****23 MARCH 2017**

OBAN HARBOUR MANAGEMENT GROUP – OBAN BAY

1.0 EXECUTIVE SUMMARY

- 1.1 The Oban Harbour Management Group (OHMG) was established in 2008 as a partnership between the three main infrastructure providers in the marine environment in Oban; the group includes CMAL, NLB and the Council, with Calmac providing assistance when required. The group is primarily focused on marine navigational safety and associated activities and developments that may impact on safety.
- 1.2 To date, the OHMG has produced two important documents:- the ‘Oban Bay Code of Practice’ and the ‘Be Safe and Be Seen Guidance for Small Craft’ documents. Both documents are attached to the appendices to this report – including a chart indicating the ‘large vessel channel’.
- 1.3 The OHMG has also given some consideration to the formation of a Single Harbour Authority (SHA) at Oban Bay. This would mean that one body, with appropriate powers, would be ultimately responsible for the management of marine safety within Oban Bay waters.
- 1.4 When information was previously presented to the Harbour Board by Fisher Associates, it was suggested, at that time, that the following options were most worthy of detailed consideration.
- Two SHAs – A&BC extends statutory limits, CMAL remains as is.
 - Two SHAs – CMAL extends statutory limits, A&BC remains as is.
 - Single SHA (hybrid municipal/trust port) - Board made up of current SHAs possibly plus others.
- 1.5 It is understood that CMAL’s preferred option, is for CMAL to extend its statutory limits.
- 1.6 Specialist legal advice is currently being sought by the Council on the feasibility of applying the above preferred options and implications for the Council.
- 1.7 Members are asked to note this report.

ARGYLL AND BUTE COUNCIL

ARGYLL AND BUTE HARBOUR BOARD

DEVELOPMENT AND
INFRASTRUCTURE SERVICES

23 MARCH 2017

OBAN HARBOUR MANAGEMENT GROUP – OBAN BAY

2.0 INTRODUCTION

2.1 This report provides an update on the work carried out to date by the Oban Harbour Management Group (OHMG) and explains possible options for the future management of the waters of Oban Bay.

3.0 RECOMMENDATIONS

3.1 Members are asked to note this report.

4.0 BACKGROUND

4.1 The OHMG was established in 2008 as a partnership between the three main infrastructure providers in the marine environment in Oban; the group includes CMAL, NLB and the Council, with Calmac providing assistance when required. The group is primarily focused on marine navigational safety and associated activities and developments that may impact on safety.

4.2 A Navigational Risk Assessment (NRA) was first undertaken in early 2011 following plans submitted for a marina at the North Pier and acknowledgement of the increase in ferry and leisure activity in the harbour. This NRA highlighted a number of risks that the group agreed should be addressed. While the group made some improvement it became clear that there was a need to develop a suitable implementation plan and ensure that resources were in place to deliver the plan.

4.3 A procurement process took place in 2013 with Fisher Marine Associates appointed to develop the plan. A review and update of the original risk assessment was undertaken as part of the process. The plan identified short/medium and long term measures to improve marine navigational safety. Of late, Marico Marine has taken on this task. All the members of OHMG contributed to the costs of this work.

5.0 DETAIL

- 5.1 Of late, the OHMG has produced two important documents:- the 'Oban Bay Code of Practice' (which refers to a 'large vessel channel') and the 'Be Safe and Be Seen Guidance for Small Craft' documents. The code of Practice is attached in Appendix A and the related chart indicating the large vessel channel is attached in Appendix B. The guidance document for small craft is attached in Appendix C.
- 5.2 The Oban Bay website has been updated with the above information. Details can be seen here:-
- www.obanharbour.scot
- 5.3 The OHMG has also given some consideration to the formation of a Single Harbour Authority (SHA) at Oban Bay. This would mean that one body, with appropriate powers, would be ultimately responsible for the Management of Marine Safety within Oban Bay waters.
- 5.4 Eight options were originally identified by the OHMG as being worthy of consideration;
- Option 1: Single Statutory Harbour Authority (SHA) (municipal port) – A&BC.
 - Option 2: Single SHA (state port) – CMAL.
 - Option 3: Two SHAs – A&BC extends statutory limits, CMAL remains as is.
 - Option 4: Two SHAs – CMAL extends statutory limits, A&BC remains as is.
 - Option 5: Single SHA (trust port) – new independent trust port as sole SHA.
 - Option 6: Multi SHAs - new independent trust port + current SHAs nested within this.
 - Option 7: Single SHA (hybrid municipal/trust port) - Board made up of current SHAs possibly plus others.
 - Option 8: Single SHA (Company Limited by Guarantee) (CLG) – the 'Tobermory Model'.
- 5.5 When information was previously presented to the Harbour Board by Fisher Associates, it was suggested, at that time, that options 3, 4 and 7 were most worthy of detailed consideration. Although option 4 would appear to be the preferred option for CMAL, legal advice is currently being sought by the Council on the feasibility of applying any of the preferred options, particularly as the Council must ensure unfettered access to the North Pier.
- 5.6 The issue of identifying a suitable solution at Oban Bay, which addresses all partners' needs, is a complex one and, quite clearly, further work will be required once legal advice has been provided. In the meantime, Council officers will work, along with partners in the Oban Harbour Management Group, to continue the work carried out to date, whilst working towards an agreed resolution on the Single Harbour Authority issue.

6.0 CONCLUSION

6.1 The OHMG has produced a code of practice and guidance for all users of the harbour. Much work has been done to improve safety. Further work is planned to ensure that this information is circulated to all users.

7.0 IMPLICATIONS

7.1	Policy	None directly arising from this report
7.2	Financial	Related costs have been met through operational budgets. There could be financial implications depending upon the option chosen for the Single Harbour Authority (but see below).
7.3	Legal	Legal advice is being sought on feasibility of taking forward identified options.
7.4	HR	None
7.5	Equalities	None
7.6	Risk	The Council is an active member of the Oban Harbour Management Group. Work carried out by the group to date will minimise risk to the Council.
7.7	Customer Services	Having a 'Code of Practice' and 'Guidance for small craft users at Oban Bay' will assist port customers using the North Pier and will also assist Council staff with their safe operation.

Appendix A – Oban Bay Code of Practice

Appendix B – Chart indicating 'large vessel channel'

Appendix C – Be Safe and be Seen Guidance

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads & Amenity Services: Jim Smith

Policy Lead: Councillor Alistair MacDougall

9 March 2017

For further information contact: Stewart Clark, Marine Operations Manager

Tel: 01546 604893

APPENDIX A

CODE OF PRACTICE FOR OBAN BAY, NORTH CHANNEL & SOUND OF KERRERRA (www.obanharbour.scot)

This Code of Practice was developed through extensive consultation with a wide range of commercial and leisure users of Oban Bay. It has no standing in law but following the key principles of common sense, sound seamanship and common courtesy and drawing on the experience of many users of Oban Bay over many years it provides advice on how to navigate safely through the Bay. Nothing in this Code of Practice relieves the master/skipper from their responsibility for the safety of their vessel and all those on board. Similarly, nothing in this Code of Practice constitutes a deviation from or variation to the International Regulations for Preventing Collisions at Sea 1972 as amended (IRPCS), published in Merchant Shipping Notice No.1781/COLREG 1 or relieves the master/skipper from their responsibility for complying with the IRPCS.

For the purposes of this Code of Practice, the following expressions shall have the associated meanings as described below: -

Large Vessel: A vessel of more than 20 metres in length overall, and/or a vessel with a draft in excess of three (3) metres.

Large Vessel Channel: The deep water route through the North Channel marked on the appropriate charts and sailing directions as being for use by 'large vessels', which is considered to be a "narrow channel" as defined in IRPCS Rule 9.

Oban Bay: Those waters lying to the south of a line from the north-west tip of Kerrera (Rubh 'a' Bhearnaig) to the north-west tip of Maiden Island and to the north of a line drawn east-west through Sgeirean Dubha light tower (Cutter Rock Beacon, Kerrera Sound).

Oban Harbour: That part of Oban Bay lying to the east of a line drawn between Dog Stone to the north and Brandy Stone to the south.

Small Vessel: A vessel other than a Large Vessel.

Code of Practice

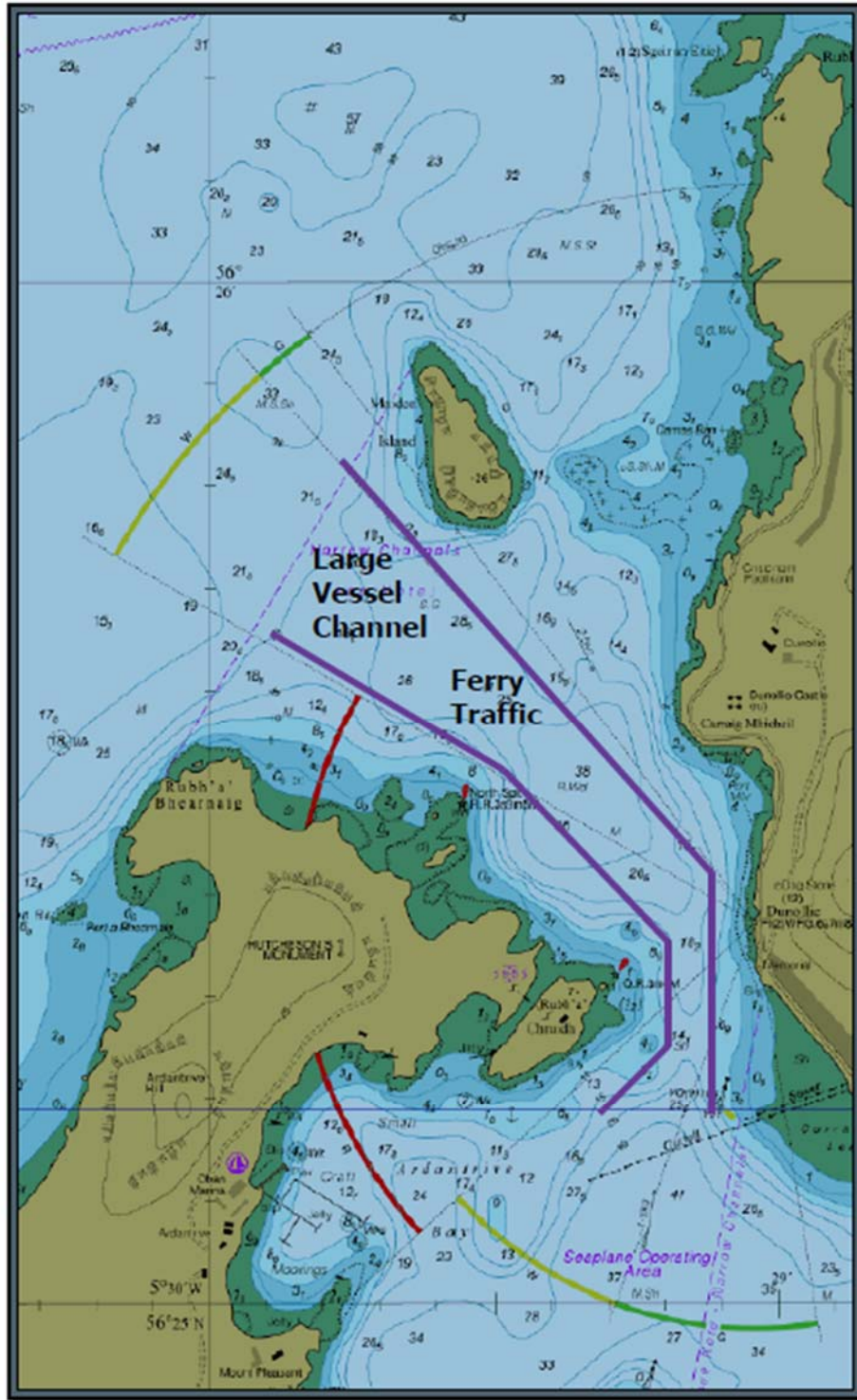
1. **Right of Way:** Large vessels "leaving" Oban Bay shall have the right of way over all vessels "entering" Oban Bay. Small vessels, including sailing vessels, shall not impede the passage of a large vessel entering or leaving Oban Bay.
2. **Sound of Kerrera:** Small Vessels entering or leaving Oban Bay through the Sound of Kerrera should keep as near to the starboard side of the main channel, which is buoyed and lies to the west of the Ferry Rocks as is safe and practicable.
3. **North Channel:** Vessels using the North Channel are likely to have their sightlines obscured in many circumstances, therefore 'small vessels' entering or leaving Oban Bay through the North Channel should remain outside the Large Vessel Channel where practicable. 'Small vessels' shall not cross the Large Vessel Channel if such crossing impedes the passage of a vessel which can safely navigate only within the Large Vessel Channel (IRPCS Rule 9(d)).

4. **Sailing vessels** should use their auxiliary engines (if fitted) at all times when navigating through the North Channel and in any event shall not impede the passage of a vessel which can safely navigate only within the Large Vessel Channel (IRPCS Rule 9(b)).
5. **Speed:** the speed limit in the area covered by this code is 10 knots through the water, except in Oban Harbour where it is 6 knots.
6. **Wash:** All vessels should show proper seamanship and common courtesy to others and avoid making excessive wash.
7. **VHF Channel 12/16:** All vessels approaching or navigating in Oban Bay should listen on VHF Channel 12/16. Large Vessels should make a warning broadcast on VHF Channel 16, followed by a brief safety announcement on VHF Channel 12, giving an ETA at Dunollie Light prior to entry or departure. More details are at the VHF tab on the Oban Harbour website.
8. **Seaplanes:** A seaplane service operates to and from Oban Bay. The aircraft commander should ensure that the area is clear of surface craft before landing or taking off and shall, when on the surface, be governed by the IPRCS.
9. **Berthing:** 'Large vessels' berthing at the NLB berth, ferry berths or North Pier require sea room to manoeuvre onto or off the berths. For example: ferries loading over the bow will swing into the northern half of Oban Bay to give room to line up for the berth; those loading over the stern will initially, swing into the southern half of Oban Bay and then head towards the northern half to give sea room to back down onto the berth at Railway Pier. All vessels are to keep clear of 'large vessels' so manoeuvring.
10. **Anchorage:** Mariners should note the designated anchorages portrayed under the port information tab on the web site.
11. **Cruise Ship Tenders:** cruise ship tenders ferrying large numbers of passengers between cruise ships anchored in Oban Bay and the shore are often to be seen; mariners should keep a good and wary lookout for these vessels.

Very small vessels such as kayaks, paddleboards and inflatables should make every effort to ensure that they are easily visible from the bridge of large vessels by use of brightly coloured clothing and lights when appropriate – the attention of people in these vessels is drawn to the 'Be Safe – Be Seen' guidance available from the website www.obanharbour.scot.

APPENDIX B

Large Vessel Channel – Oban Bay



APPENDIX C

OBAN BAY AND ITS APPROACHES - GUIDANCE FOR SMALL CRAFT 'BE SAFE AND BE SEEN'

BE SAFE

Around the coasts of UK over recent years there have been several documented accidents resulting in fatalities, often to children that have would have been avoided:

1. **Keeping a proper Lookout:** In almost all cases keeping a proper lookout and responding in time to developing situations will prevent mishap. ColRegs Rule 5 requires '*... a proper lookout by sight and hearing as well as by all available means ...*', which includes VHF. Many small vessels will not have VHF, but those leading groups of people on the water should consider the use of VHF so that they will hear the safety broadcasts made by large vessels.
2. **Lifejackets:** Although very sheltered, the waters in Oban Bay can be very cold, even in summer and an unplanned and sudden immersion can swiftly incapacitate even strong swimmers through the onset of cold water shock leading to swim failure. A lifejacket (in date for inspection and in good repair) will enhance significantly your chances of survival. The RNLI will happily provide advice on maintaining and servicing your lifejacket.
3. **Kill cords:** Nationally, there have been too many instances of people falling out of boats with outboard engines, without using kill cords. In the event of such a mishap, the boat will continue to run out of control, often in close proximity to its former occupants resulting in fatalities, including children. It takes seconds to use and fit the kill cord correctly – for more details see the latest RYA advice at <http://www.rya.org.uk/infoadvice/safetyinfo/Personalsafetyequipment/Pages/KillCord.aspx>. NB: It is a good idea to check that kill cord works correctly before you set out and also to carry a spare kill cord.

BE SEEN

Small craft, particularly small unpowered craft such as kayaks, canoes, paddleboards and sailing and rowing dinghies are often difficult to see from the bridge of a large vessel, even when visibility is excellent. To ensure that your tiny vessel is visible to others you are advised:

1. Not to venture out in conditions of reduced visibility
2. To wear distinctive clothing, the use of neon-coloured clothing is highly recommended.
3. To make liberal use of retro-reflective tape on clothing, PFD's and the shaft of your paddle near the blade.
4. At night, to wear white LED lights either on your helmet, headgear or shoulders, taking care not to destroy your night vision. The sort of LED lights favoured by cyclists are particularly effective. As a minimum, small sailing dinghies and oar and paddle-powered vessels should have a torch or e lantern '*... showing a white light which shall be exhibited in sufficient time to prevent collision ...*' (ColRegs Rule 25 (d) (i) and (ii))

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Harbour Board Work Plan 2017 - 18

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
Thursday 23 March 2017					
	Crown Estate Presentation	The Crown Estate	One Off	24 February 2017	
	Port Marine Safety Code	Marine Operations	Quarterly	24 February 2017	
	Oban Harbour Management Group – Oban Bay	Marine Operations		24 February 2017	Further reports as and when requested
Future Reports – dates to be determined					
	Review of Fees and Charges – Consultation Plan				
	Impact of Introduction of RET				
	Performance Information				
	Improvement Plan				
	Marine Asset Management Plan				
	Shift Patterns and Overtime Review Update				
	Community Groups & Berthing Dues				
	CCTV in Remote Facilities				
	Electricity Provision for Visiting Vessels				
	Crane Provision at Campbeltwon				

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