



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
28 February 2019

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE HARBOUR BOARD** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **THURSDAY, 7 MARCH 2019** at **12:00 PM** or at the conclusion of the Environment, Development and Infrastructure Committee at 10.30am, whichever is the later, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

3. MINUTES (Pages 3 - 4)

Minutes of the Argyll and Bute Harbour Board as held on Thursday 6 September 2018

4. OBAN BAY - SINGLE HARBOUR AUTHORITY (Pages 5 - 18)

Report by Executive Director – Development and Infrastructure Services

5. MARINE ASSET MANAGEMENT PLAN (Pages 19 - 26)

Report by Executive Director – Development and Infrastructure Services

6. PORT MARINE SAFETY CODE (Pages 27 - 40)

Report by Executive Director – Development and Infrastructure Services

REPORTS FOR NOTING

7. DRAFT HARBOUR BOARD WORKPLAN (Pages 41 - 42)

Argyll and Bute Harbour Board

| | |
|-------------------------------------|--------------------------------------|
| Councillor Roderick McCuish (Chair) | Councillor John Armour |
| Councillor Jim Lynch | Councillor Ellen Morton (Vice-Chair) |
| Councillor Alastair Redman | Councillor Alan Reid |
| Councillor Richard Trail | Councillor Andrew Vennard |

Contact: Adele Price-Williams 01546 604480

MINUTES of MEETING of ARGYLL AND BUTE HARBOUR BOARD held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on THURSDAY, 6 SEPTEMBER 2018

Present: Councillor Roderick McCuish (Chair)

| | |
|----------------------------|---------------------------|
| Councillor John Armour | Councillor Alan Reid |
| Councillor Jim Lynch | Councillor Richard Trail |
| Councillor Ellen Morton | Councillor Andrew Vennard |
| Councillor Alastair Redman | |

Also Present: Councillor Sir Jamie McGrigor Councillor Jean Moffat

Attending: Pippa Milne, Executive Director – Development and Infrastructure Services
Jim Smith, Head of Roads and Amenity Services
Stewart Clark, Marine Operations Manager
Iain Jackson, Governance and Risk Manager

1. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

The Minutes of the Argyll and Bute Harbour Board as held on Tuesday 23 January 2018 were approved as a correct record.

4. OBAN BAY - SINGLE HARBOUR AUTHORITY

Members of the Argyll and Bute Harbour Board considered a report which explained the background to the creation of the Oban Bay Management Group (OBMG) and detailed why a Single Harbour Authority (SHA) is to be considered. The report provided a resume of recent events and advised on the planned next steps following on from the public meeting held in Oban on 18 July 2018 the OBMG meeting which was held on 31 July 2018.

Decision

The Argyll and Bute Harbour Board agreed to;

- a) ask CMAL to pause the process of expanding their harbour area until further consultation is carried out given the interest expressed locally in establishing a trust port; and

- b) a further report to be provided to the next meeting of the Harbour Board providing an update on the progress towards establishing a single harbour authority for Oban.

(Reference: Report by Executive Director, Development and Infrastructure Services dated 20 August 2018, submitted)

ARGYLL AND BUTE COUNCIL**HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****7TH MARCH 2019**

OBAN BAY – SINGLE HARBOUR AUTHORITY

1.0 EXECUTIVE SUMMARY

1.1 This report provides Members with an update on progress made since the last report to the Harbour Board in September 2018.

1.2 RECOMMENDATIONS

1.2.1 Members are asked to:-

- a) note this report and, in particular, consider the proposal outlined in the Oban Bay Stakeholders' report in Appendix B and,
- b) approve that officers continue to engage with the OBMG and continue co-operation with stakeholders in their bid to establish a trust port and,
- c) agree that a further update report be presented to Members at the September 2019 Harbour Board meeting.

1.3 Since the last meeting of the September 2018 Harbour Board, the Oban Bay Management Group has continued to work with other stakeholders at Oban towards improving safe navigation within the Oban Bay area. As discussed at the last meeting of the Harbour Board, the original intention was that CMAL should extend their SHA leaving the A&BC SHA 'nested'. Stakeholders at Oban now wish to evaluate the viability of a Trust Port (or similar concept) option for Oban Bay, which would in principle cover the area to seaward of the current CMAL and A&BC SHAs; stakeholders are currently considering financial and legal implications of such an arrangement.

1.4 Regardless of the final option chosen, one or other party intend to submit a Harbour Revision Order not later than January 2020. In the meantime, a draft list of 'protective provisions' has been produced for discussion purposes - attached in Appendix A this report.

1.5 At the last meeting of the OBMG on 20th February 2019, the chairperson of the Oban Bay Stakeholders' Group (OBSG) presented a report containing the following proposal:- *'The OBSG ask the OBMG to support them in creating a Trust Port to manage the unregulated waters of Oban Bay and its approaches, and invite interested stakeholders and users to work together to produce a harbour that is both safe and compliant with all current legislation.'* The full report is provided in Appendix B to this report.

- 1.6 Members of the Harbour Board will be given an opportunity to consider this issue further before either of the options outlined in this briefing note are implemented.
- 1.7 Work of both OBMG and Stakeholders continues. A further update will be presented to Members at the September Harbour Board Meeting.

ARGYLL AND BUTE COUNCIL

HARBOUR BOARD

**DEVELOPMENT AND
INFRASTRUCTURE SERVICES**

7TH MARCH 2019

OBAN BAY – SINGLE HARBOUR AUTHORITY

2.0 INTRODUCTION

- 2.1 A report was presented to Members at the September 2018 meeting of the Harbour Board which explained the background to the creation of the Oban Bay Management Group (OBMG) and reasons for creating a Single Harbour Authority (SHA). This report provides Members with an update on progress made since September 2018.

3.0 RECOMMENDATIONS

3.1 Members are asked to:-

- a) note this report and, in particular, consider the proposal outlined in the Oban Bay Stakeholders' report in Appendix B and,
- b) approve that officers continue to engage with the OBMG and continue co-operation with stakeholders in their bid to establish a trust port and,
- c) agree that a further update report be presented to Members at the September 2019 Harbour Board meeting.

4.0 DETAIL

- 4.1 At the last full meeting of the Harbour Board, in September last year, Members agreed to:

- a) ask CMAL to pause the process of expanding their harbour area until further consultation is carried out given the interest expressed locally in establishing a trust port; and
- b) a further report to be provided to the next meeting of the Harbour Board providing an update on the progress towards establishing a single harbour authority for Oban.

- 4.2 Since the last decision of the Harbour Board, the Oban Bay Management Group has continued to work with other stakeholders at Oban towards improving safe navigation within the Oban Bay area. The OBMG continues to support the principle that a Statutory Harbour Authority should be created for the area encompassing the wider Oban Bay and its approaches for the purpose of

having overall responsibility and control over marine activity within that area which would achieve a positive impact on the efficiency and safety of the harbour.

- 4.3 As discussed at the last meeting of the Harbour Board, the original intention was that CMAL should extend their SHA leaving the A&BC SHA 'nested'. This was met with significant resistance both locally and within the wider recreational boating community. Stakeholders at Oban now wish to evaluate the viability of a Trust Port (or similar concept) option for Oban Bay, which would in principle cover the area to seaward of the current CMAL and A&BC SHAs; stakeholders are currently considering financial and legal implications of such an arrangement.
- 4.4 Members will be aware that Trust Ports (TP) are independent statutory bodies, each governed by their own, unique, statutes and controlled by a local independent board. There are no shareholders or owners and any surplus is ploughed back into each port for the benefit of its stakeholders. There are over 100 trust ports in the UK.
- 4.5 Both of these wider SHA concepts are being developed simultaneously ('CMAL extends' or 'trust port'), with an agreed sharing of common work. CMAL have also stated that, in principle, if they do extend their harbour area and subsequently an alternative and viable harbour authority model is proposed, then CMAL will be content to revert to their current SHA boundaries to allow the wider area of Oban waters to be operated by the alternative organisation.
- 4.6 Regardless of the final option chosen, one or other party intend to submit a Harbour Revision Order not later than January 2020. In the meantime, a draft list of 'protective provisions' has been produced for discussion purposes - attached in Appendix A of this report. This list will form the basis of discussions within the OBMG, when Council officers are ensuring compliance with the Harbour Board's decision that *'further investigation be carried out regarding the protection of the Council's interests, with particular regard to the harbour area at the North Pier'*.
- 4.7 At the last meeting of the OBMG on 20th February 2019, the chairperson of the Oban Bay Stakeholders' Group (OBSG) presented a report containing the following proposal:- *'The OBSG ask the OBMG to support them in creating a Trust Port to manage the unregulated waters of Oban Bay and its approaches, and invite interested stakeholders and users to work together to produce a harbour that is both safe and compliant with all current legislation.'* The full report is provided in Appendix B to this report.
- 4.8 Members of the Harbour Board will be given an opportunity to consider this issue further before either of the options outlined in this briefing note are implemented.

5.0 CONCLUSION

- 5.1 Work of both OBMG and Stakeholders continues. A further update will be presented to Members at the September Harbour Board Meeting.

6.0 IMPLICATIONS

- 6.1 Policy - None
- 6.2 Financial – The financial impacts cannot be assessed until the preferred option has been identified and protected provisions agreed upon.
- 6.3 Legal – Any agreement with CMAL must ensure that the Council's areas of responsibility are protected.
- 6.4 HR - None
- 6.5 Equalities / Fairer Scotland Duty – None
- 6.6 Risk – Advice from the OBMG is that 'to do nothing', given concerns over safety at Oban Bay, is not an option worthy of consideration.
- 6.7 Customer Service – None.

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads & Amenity Services: Jim Smith

Policy Lead: Councillor Roddy McCuish

26 February 2019

For further information contact: Stewart Clark, Marine Operations Manager

Tel: 01546 604893

Appendix A – Draft Protective Provisions – Summary

Appendix B – Oban Bay Stakeholder Group Report

APPENDIX A

Draft Protective Provisions - Summary

General Themes

- The Harbour Order must allow for section 33 of the Harbours, Docks and Piers Clauses Act 1947 (open port duty)
- The employed staff to be suitably qualified and competent.
- Existing SHA areas are to remain nested, with the addition of a small area around Port Beag slipway coming under A&BC
- The duty and responsibility of the Harbour Authority mark any danger to navigation and inform NLB
 - Failure may result in summary conviction and a fine
- The duty and responsibility of the Harbour Authority to light any completed tidal works to prevent any danger to navigations and inform NLB
 - Failure may result in summary conviction and a fine
- NLB/CMAL/A&BC (and their successors) to be considered as key stakeholders and form part of a consultative body of stakeholders established through the harbour order
 - 6 monthly meetings
 - Consulted on:-
 - Navigation Safety
 - Making of Byelaws and GD
 - General Safety
 - Operational changes
 - Harbour developments
 - Such consultation to be reported to the Harbour Authority and due account taken of stakeholder opinion
- NLB/CMAL/A&BC (and their successors) whilst operators of operational Piers, base and berths in Oban shall not be hindered in any way by the Harbour Board / Authority in the statutory or commercial operation of the said base and berth. The Harbour Authority/Board shall not hinder or unreasonably withhold permission for any development of the said base or berth by the infrastructure owners or their successors.
- NLB/CMAL/A&BC (and their successors) whilst operators of operational Piers base and berths in Oban shall collect and deliver to the Harbour Board/ Authority such dues charged by the Harbour Authority for visiting vessels for use of the said berth.
 - Visiting Government vessels* using the Commissioners of Northern Lighthouses berth shall be exempt from such dues charged by the Harbour Authority.

- * a narrowly defined group to include warships, Border Force and fishery protection/research operated by UK and Scottish Government bodies (NLB is already exempted through MSA 1995)
- NLB/CMAL/A&BC (and their successors) whilst operators of operational Piers base and berths in Oban shall be consulted on any harbour developments, moorings or other physical changes within the Harbour Area as a key stakeholder. Developments, moorings or other physical changes which impact the approaches to/from and operation of the piers and berths and/or helicopter landing pad (NLB Only) require approval. Such permission will not be unreasonably withheld.
- Charges levied by the Harbour Authority must be transparent and costs shared equally between all customers in an agreed methodology, formal agreement that no revenue generated from CMAL/NLB/A&BC customers can be used for any improvement out with the immediate Harbour environment that impacts on our customer operations. The charges levied are be used to cover direct costs with a reasonable overhead contribution.
- There should be no charges levied on recreational craft entering or transiting the bay
- The MSMS should be implemented as a matter of priority and in consultation with key stakeholders.
- A marine traffic management plan should be introduced as a matter of priority and in consultation with key stakeholders. (there is a requirement to provide for 2 large ferries to manoeuvre simultaneously in the harbour)
- The Harbour Authority to cover any financial losses (direct and indirect) to CMAL/NLB/A&BC should any works carried out or instructions given by the Harbour Authority that results in the facilities at Oban in NLB/CMAL/A&BC facilities not being accessible and / or are damaged.
- Harbour weather limits shall be risk driven not arbitrarily defined.
- It shall be a requirement of commercial harbour users to have vessels fitted with AIS (Automatic Identification System).

APPENDIX B

Oban Bay Stakeholder Group

Summary of evaluation of the running costs associated with a conservancy based Trust Port for Oban Bay and its approaches

Introduction

In September 2018 the Oban Bay Management Group (OBMG) agreed to a request from Argyll and Bute Council to 'pause the process' of seeking a HRO for CMAL to become the SHA for the majority of Oban Bay and its approaches. This request was a consequence of the public response to the consultation process which had been carried out over preceding months. It was agreed that the Oban Bay Stakeholder Group (OBSG) would undertake a more detailed evaluation of the costs associated with running a 'wet' Trust Port operating on a conservancy basis. This paper summarises the results of that evaluation thus far.

Trust Port governance structure

As part of the evaluation members of the OBSG Finance Working Group consulted with a wide range of ports and harbours in Scotland. Whilst initial focus was on Tobermory, it quickly became apparent that although the Tobermory 'model' was based on Community ownership and management it is in fact more closely aligned with that of a Private Port. Consequently, the model which was adopted for the evaluation was based on that used at Mallaig - one of the first Harbours to convert to a Modern Trust Port in 2012. The Governance structure which was used for the evaluation was as follows:

| | |
|------------------------|---|
| <i>Harbour Board</i> | Maximum of 8, all remunerated with Board Members receiving (2019/20) £3,000 pa for attendance at a minimum of 6 meetings. Vice Chair to have remuneration at 200% of Board Member, and Chair to receive 300%. |
| <i>Chief Executive</i> | Appointed by the Harbour Board, CEO to have overall responsibility for the strategic and operational management of the Harbour. Executive post, ie with a vote at Board meetings. T&Cs determined by Harbour Board. |
| <i>Harbour Master</i> | Suitably qualified employee responsible for the day to day operation of the Harbour, supported by |

Two Assistant Harbour Masters (also salaried and qualified) and *Administrative assistant* employed on a full time basis.

Total costs (Salary, insurances and superannuation etc) for the HM, AHMs and Admin Assistant have been provided by A&BC to allow accurate costs to be used in the evaluation. With regard to the CEO a budget has been used as consideration may be given to applicants tendering for the post rather than merely replying to a job advert.

One of the recurring themes that arose during discussions with the various HAs was their frustration at not being able to 'ring fence' posts or representation for significant stakeholders. The Mallaig

HRO even defines what a significant stakeholder is, although in practice this brings about little real benefit. Discussions with Transport Scotland have confirmed that this is fundamental to the Modern Trust Port objectives, ie membership of the Board should be open to all. The OBSG would therefore welcome further dialogue with the OBMG about how the views of various Stakeholders/Users might best be accommodated in the future.

Evaluation of costs

The evaluation of anticipated annual running costs are contained in tabular form overleaf. A conservative approach has been taken throughout. For example, whilst it might be possible to operate a 'wet' conservancy Trust Port with just one Assistant HM and a part time administrative assistant, the evaluation has allowed for more than this. Similarly, where the evaluation of costs was found to be similar to those derived from the initial evaluation undertaken by the OBMG then the higher of the two values has been used.

Where possible the tabulated costs have been categorised using the same headings as the original OBMG evaluation. The items which have been considered have also been compared against the PMSC to ensure that all relevant items have been included.

It can be seen from the tabulation that the projected annual running costs of a 'wet' conservancy based Trust Port are of the order of £325,000. This is **significantly** lower than the £800k that was stated by the OBMG in their paper of 28 March 2018, and very close to the £250k figure that was quoted for either the A&BC or CMAL options at that time.¹ Given this, it is considered by the OBSG that the advantages of an independent Trust Port significantly outweigh the relatively small difference in annual running costs, and that this should therefore be the preferred option for the future management of Oban Bay and its approaches.²

Conservancy Charges

There is clearly some way to go before detailed charging mechanisms can be finalised. However, at the current time it should be noted that using the model proposed by the OBMG in 2018 a conservancy charge of 2 pence per GT would provide a total income of £340k. Whilst a contingency of more than 5% might be preferred, particularly during the early years, this does demonstrate that the Trust Port option is both viable and reasonable as requested by Transport Scotland.

Proposal

The OBSG ask the OBMG to support them in creating a Trust Port to manage the unregulated waters of Oban Bay and its approaches, and invite interested stakeholders and users to work together to produce a harbour that is both safe and compliant with all current legislation.

Governance & personnel

¹ Following that meeting the CalMac Harbour Manager has advised that the true cost of either A&BC or CMAL

is ² This was the original objective of the Oban Harbour Development Group back in 2012 and 2013.

| | | | |
|-------------------------------|---|----------|----------|
| Board | Chair (£9k), Vice Chair (£6k) and 6 members (£3k each) | £33,000 | |
| CEO | Budget allocation but subject to further consideration | £50,000 | |
| Harbour/LPS Operational Staff | One HM and two AHM, weighted to take account of overtime/standby payments | £123,000 | |
| Admin Assistant | One full time post | £26,000 | £232,000 |

Retained/professional services (many as contingency)

| | | | |
|--------------------|---|---------|---------|
| Legal | As OBMG estimate | £10,000 | |
| Accountancy | Based on similar organisations | £5,000 | |
| Education/PR | Increase on original OBMG estimate | £10,000 | |
| Investigation | As OBMG estimate | £5,000 | |
| PMSC & H&S | Additional item to reflect ongoing training and equipment needs | £5,000 | |
| Environment (OSCP) | As OBMG estimate | £4,000 | |
| Dredging | As OBMG estimate | £2,000 | |
| Surveying | As OBMG estimate | £1,000 | |
| Security (PSA) | As OBMG estimate | £5,000 | £47,000 |

Overheads

| | | | |
|---------------|---|---------|---------|
| Utilities | Considered an overestimate, but also to include office running costs | £10,000 | |
| Accommodation | Based on similar business premises | £10,000 | |
| Insurance | Grossly underestimated in original OBMG estimate, current figure based on initial feedback from specialist broker | £26,000 | £46,000 |

Total anticipated annual running cost **£325,000**

Summary of the annual running costs for a modern Trust Port for the unregulated waters of Oban Bay and its approaches.

Winter timetable

| | M | T | W | T | F | S | S |
|--|-------|-------|-------|-------|-------|-------|-------|
| Coll & Tiree | 715 | 715 | | 715 | | 715 | 715 |
| | 1525 | 1525 | | 1525 | | 1525 | 1525 |
| Lismore | 645 | 645 | 645 | 645 | 645 | 800 | 900 |
| | 1910 | 1910 | 1910 | 1910 | 1910 | 1855 | 1755 |
| Craignure | 645 | 800 | 800 | 800 | 800 | 731 | 946 |
| | 1746 | 1946 | 1746 | 1746 | 2145 | 2145 | 1946 |
| Colonsay | 1215 | | 1215 | | 1030 | 1330 | |
| | 1710 | | 1700 | | 1515 | 1055 | |
| Castlebay | 1330 | 1330 | 1330 | | 1330 | | 1330 |
| | 1430 | 1430 | 1430 | | 1430 | | 1430 |
| South Uist | 1110 | | 1430 | | 1130 | 1130 | 1430 |
| | 1740 | | 1500 | | 1230 | 1230 | 1500 |
| Earliest | 645 | 645 | 645 | 645 | 645 | 715 | 715 |
| Latest | 1910 | 1946 | 1910 | 1910 | 2145 | 2145 | 1946 |
| Daily span | 12:25 | 13:01 | 12:25 | 12:25 | 15:00 | 14:30 | 12:30 |
| Suggested start | 630 | 630 | 630 | 630 | 630 | 700 | 700 |
| Suggested finish | 1930 | 2000 | 1930 | 1930 | 2200 | 2200 | 2000 |
| Span (hrs/mins) | 1300 | 1330 | 1300 | 1300 | 1530 | 1500 | 1300 |
| Total weekly hours based on suggested hours | | | | | | 96 | |

Summer timetable

| | M | T | W | T | F | S | S |
|--|-------|-------|------------|-------|-------|-------|-------|
| Coll & Tiree | 715 | 1500 | 715 | 715 | 615 | 615 | 715 |
| | 1525 | 2240 | 2130 | 1525 | 1410 | 2240 | 1525 |
| Lismore | 645 | 645 | 645 | 645 | 645 | 800 | 1000 |
| | 1910 | 1910 | 1910 | 1910 | 1910 | 2055 | 1755 |
| Craignure | 645 | 730 | 730 | 730 | 730 | 730 | 950 |
| | 2005 | 2005 | 2005 | 2005 | 2335 | 2005 | 2005 |
| Colonsay | 1630 | 900 | 1610 | 1630 | 1630 | 1620 | 1630 |
| | 2115 | 1405 | 1630 | 2115 | 2115 | 1645 | 2115 |
| Castlebay | 1240 | 1240 | 715 | 1240 | 1240 | 1240 | 1240 |
| | 1330 | 1330 | 2130 | 1330 | 1330 | 1330 | 1330 |
| South Uist | | | No service | | | | |
| Earliest | 645 | 645 | 645 | 645 | 645 | 615 | 715 |
| Latest | 2115 | 2240 | 2130 | 2115 | 2325 | 2240 | 2115 |
| Daily span | 14:30 | 15:55 | 14:45 | 14:30 | 16:40 | 16:25 | 14:00 |
| Suggested start | 630 | 630 | 630 | 630 | 630 | 600 | 600 |
| Suggested finish | 2130 | 2300 | 2145 | 2200 | 2345 | 2300 | 2130 |
| Span (hrs/mins) | 1500 | 1630 | 1515 | 1530 | 1715 | 1700 | 1530 |
| Total weekly hours based on suggested hours | | | | | | 112 | |

Maximum permitted hours including stand-by and overtime 144

ARGYLL AND BUTE COUNCIL**HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****7TH MARCH 2019**

MARINE ASSET MANAGEMENT PLAN – UPDATE ON PROGRESS

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides Members with an update on ongoing schemes currently being addressed within the Council's Marine Asset Management Plan.
- 1.2 Council officers meet regularly with representatives from Transport Scotland, Calmac and CMAL to discuss future plans for the Council's marine assets; the most strategic of these meetings being the Argyll Ferries Infrastructure Group (AFIG).
- 1.3 Main priorities agreed with Transport Scotland, CMAL and Calmac have been identified as follows:-
- Iona and Fionnphort – Provision of breakwater and overnight berth respectively.
 - Mull / Craignure Pier – Upgrade infrastructure.
- 1.4 This report provides an update on the following schemes:-
- Rothesay Harbour
 - Fionnphort and Iona
 - Craignure Pier
 - Port Askaig
 - Gigha and Tayinloan
 - Helensburgh Pier
 - Oban North Pier
 - Dunoon Breakwater
- 1.5 Members are asked to a) note this report and, in particular, the progress achieved to date on those schemes highlighted within this report and b) to approve the revised version of the 10 year asset management plan in the appendix to this report.

ARGYLL AND BUTE COUNCIL

HARBOUR BOARD

DEVELOPMENT AND
INFRASTRUCTURE SERVICES

7TH MARCH 2019

MARINE ASSET MANAGEMENT PLAN – UPDATE ON PROGRESS

2.0 INTRODUCTION

- 2.1 This report provides Members with an update on ongoing schemes currently being addressed within the Council's Marine Asset Management Plan.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to a) note this report and, in particular, the progress achieved to date on those schemes highlighted within this report and b) to approve the revised version of the 10 year asset management plan in the appendix to this report.

4.0 BACKGROUND

- 4.1 A report was presented to the Harbour Board in January 2018 which provided details of major schemes being programmed within the Marine Asset Management Plan at that time. In order to fund the various works identified in the Asset Management Plan in future years, it will be necessary to increase fees and charges, over and above any required inflationary increase, on a year-on-year basis.
- 4.2 As Members are aware, Council officers meet regularly with representatives from Transport Scotland, Calmac and CMAL to discuss future plans for the Council's marine assets; priorities are set by the Council on the basis of these discussions.
- 4.3 Main priorities agreed with Transport Scotland, CMAL and Calmac have been identified as follows:-
- Iona and Fionnphort – Provision of breakwater and overnight berth respectively.
 - Mull / Craignure Pier – Upgrade infrastructure.

Since the last time of reporting to the Board, Port Askaig, Gigha and Tayinloan have been reduced in ranking to ensure that Iona, Fionnphort and

Craignure are given precedence. Works at Rothesay, to address settlement, are progressing; further details are provided below in section 5.2.

4.4 This report provides Members with an update on a range of schemes.

5.0 DETAIL

5.1 The asset management plan, see Appendix, indicates the likely works to be carried out over the next 10 years across the entire marine infrastructure; it also provides indicative budgets. Currently the overall costs for planned works is in excess of £70 million – this includes an estimated figure for potential works at Craignure Pier on Mull.

5.2 An update on a range of schemes is provided below:-

- **Rothesay Harbour – settlement** – Off-site fabrication work for the wave screen at Rothesay continues. Our contractor's newly revised programme indicates that materials will be moved to site in late March to allow construction to commence in early April with completion due by the end of June. Council officers and Calmac representatives continue to liaise closely to ensure any disruption to the ferry service is minimised. As previously intimated to Members, following installation of the wave screen which will reduce the risk of further settlement, further works will be required in order to stabilise the infill material within the masonry pier; grouting work will be carried out in the forthcoming financial year.
- **Fionnphort / Iona Ferry Slips** – The consultant Byrne Looby is continuing with their feasibility study. Some delays were incurred whilst sourcing a ground investigation (G.I.) contractor. However, G.I. is now complete and the feasibility study, including sedimentation analysis and wave study, is now nearing completion. A consultation meeting is currently being planned for early March this year to discuss likely plans with local stakeholders with a view to completing the feasibility study report by the end of this financial year. An outline business case will be produced on the basis of information gathered from the feasibility study; this will allow this project to progress to design and planning stages in the forthcoming financial year.
- **Craignure Pier** – At the January 2018 meeting of the Harbour Board, Members were made aware of the condition of Craignure Pier following receipt of the Arch Henderson condition report which stated that '*...at present, the condition of the pier does not affect its operational use...*' Members were advised that, following a meeting of the Argyll Ferries Infrastructure Group (AFIG) in November 2018, an agreement was reached that a STAG study and report should be produced to consider the future of Craignure Pier. At the time of writing this report, the report was nearing completion – a verbal update will be provided to Members at the meeting of the Harbour Board.
- **Port Askaig Pier** – Since the last time of reporting to Members, the consultant Arch Henderson has completed the report which considers the feasibility of extending the berth to facilitate docking of 105 metre long vessels. A number of options to extend the berth length at Port Askaig were considered by Arch Henderson; discussions

took place with users including Calmac skippers. Ultimately, two main options were proposed in the report for further consideration - extending to the south, towards the small harbour and hotel, and b) extending to the north into the adjacent bay. Both options have pros and cons, some of which were discussed with users of the harbour at a recent meeting. The report has been presented to Transport Scotland for their consideration. For the time-being, no further work is being planned to take either proposal forward.

- **Gigha and Tayinloan Ferry Slips** – Design work, to consider the provision of an overnight berth at Gigha and extension to the aligning structure at Tayinloan, will very likely be carried out using Council in-house resources. This work will be held in abeyance in the meantime whilst awaiting prioritisation from Transport Scotland.
- **Helensburgh Pier** – At the time of writing this report, a structural analysis was being carried out to ascertain the condition of the berthing face at Helensburgh Pier and its ability to allow future berthing of vessels - a verbal update will be provided to Members at the meeting of the Harbour Board with the latest information on this subject. Meanwhile, the local development group has held discussions with a leading maritime consultant regarding a study into the feasibility of creating a sheltered step ashore facility at Helensburgh.
- **Oban North Pier** – Grouting works to stabilise ground at the North Pier are nearing completion – to be complete now by the end of February.
- **Dunoon Breakwater** – Plans are in place to reconfigure parking arrangements at Dunoon following the recent Scottish Government announcement to continue with a passenger service at this location.

6.0 CONCLUSION

- 6.1 This report provides Members with an update on a number of marine-related projects which are all at various phases – from early feasibility stage to on-site construction stage.

7.0 IMPLICATIONS

| | | |
|-----|--------------------------|---|
| 7.1 | Policy | None directly arising from this report. |
| 7.2 | Financial | Proposed additional increase in fees and charges will ensure that future income is sufficient to maintain and develop the Council's marine assets this financial year. Further fee increases will be required to fund prudential borrowing in future years. |
| 7.3 | Legal | Considered to be none directly arising from this report. |
| 7.4 | HR | None |
| 7.5 | Equalities/Fairer | None |

Scotland Duty

- | | | |
|------------|--------------------------|---|
| 7.6 | Risk | Completed works will reduce requirement to repair and maintain existing infrastructure. |
| 7.7 | Customer Services | Overall improvement in travel experience and quality of journeys. |

Appendix - 10 year Asset Management Plan

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads & Amenity Services: Jim Smith

Policy Lead: Councillor Roddy McCuish

26 February 2018

For further information contact: Stewart Clark, Marine Operations Manager

Tel: 01546 604893

APPENDIX

ASSET MANAGEMENT PLAN

Piers and Harbours - 10 + Year Programme of Works
Revision D - February 2019

| Structure | | | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 | Total |
|-----------|-----------------------------------|------------------------|-----------------------------------|------------|----------------------|-----------------------|-------------|---------------------|------------------------|------------|-----------|------------|-------------|
| No | Name | Location | (2019/20) | (2020/21) | (2021/22) | (2022/23) | (2023/24) | (2024/25) | (2025/26) | (2026/27) | (2027/28) | (2028/29) | |
| 1 | Achnacroish Pier | Lismore | | | | | | | | | | £500,000 | £500,000 |
| 2 | Achnacroish Ferry Slip | Lismore | | | | | | | | | | | |
| 3 | Arinagour Old Pier | Coll | | | | | | | | | | | |
| 4 | Bruichladdich Pier | Islay | | | £550,000 | | | | | | | | £550,000 |
| 5 | Bunessan | Mull (South West) | | £50,000 | | | | | | | | | £50,000 |
| 6 | Campbeltown Old Quay | Kintyre (South) | £250,000 | £250,000 | £500,000 £50,000 | £2,500,000 | | | | | | | £3,550,000 |
| 7 | Campbeltown New Quay | Kintyre (South) | | £80,000 | | | £400,000 | | | | | | £480,000 |
| 8 | Carradale Harbour | Kintyre (East Coast) | | £50,000 | £500,000 | | | | | | | | £550,000 |
| 9 | Craighouse Pier | Jura (East Coast) | | £50,000 | £300,000 | | | | | £10,000 | | | £360,000 |
| 10 | Craignure Pier | Mull (East End) | £50,000 £50,000 | £300,000 | £750,000 | £750,000 | £20,000,000 | £20,000,000 | | | | | £41,900,000 |
| 11 | Crinan Ferry Slip | Crinan | | | | | | | | | | | |
| 12 | Crinan Harbour Quay | Crinan | | | | | | | | | | | |
| 13 | Cuan Ferry Slip | Luing | | | | | | | £75,000 | £1,200,000 | | | £1,275,000 |
| 14 | Cuan Ferry Slip | Seil | | | | | | | £75,000 | £1,200,000 | | | £1,275,000 |
| 15 | Dalintober Jetty | Campbeltown | | | | | | | | | | | |
| 16 | Dunoon Harbour Jetty | Dunoon | | | | | | | | | | | |
| 17 | Dunoon Pier | Dunoon | £20,000 | £100,000 | | | | | | | | £250,000 | £370,000 |
| 18 | Dunoon Breakwater | Dunoon | £500,000 | £50,000 | £100,000 | £1,000,000 | | | | | | | £1,650,000 |
| 19 | Easdale Pier | Easdale | | | | | | | | | | | |
| 20 | Easdale Low Water Landing | Easdale | | £50,000 | £200,000 | | | | | | | | £250,000 |
| 21 | Ellenabeich Pier | Seil | | | | | | | | | | | |
| 22 | Feolin Ferry Slip | Jura (Sound of Islay) | | £30,000 | £150,000 | £150,000 | | | | | | | £330,000 |
| 23 | Fionnphort Ferry Slip | Mull (South West) | £100,000 | £2,500,000 | £500,000 | | | | | | | | £3,100,000 |
| 24 | Gigha Ferry Slip | Gigha | | | £250,000 £150,000 | £50,000 £1,000,000 | £1,500,000 | | | | | | £2,950,000 |
| 25 | Gigha South Pier | Gigha | | £30,000 | £200,000 | | | | | £20,000 | | | £250,000 |
| 26 | Helensburgh Pier | Helensburgh | | | | | | | | | | | |
| 27 | Iona Ferry Slip | Iona | £100,000 | £1,500,000 | | | | | | | | | £1,600,000 |
| 28 | Keills | Mainland Sound of Jura | | | | | | | | | | | |
| 29 | Kilcreggan Pier | Kilcreggan | £50,000 | | | | | | | £20,000 | | £250,000 | £320,000 |
| 30 | Lagg | Jura (Sound of Jura) | | | | | | | | | | | |
| 31 | Lismore Point | Lismore (North) | | £25,000 | £500,000 | | | | | | | | £525,000 |
| 32 | Oban North Pier | Oban | | | | | | | | | | | |
| 33 | Oban Times Slip | Oban | | | | | | | | | £150,000 | | £150,000 |
| 34 | Port Appin | Port Appin | | | | | | | | | £800,000 | | £800,000 |
| 35 | Port Askaig Pier | Islay | £100,000 | | | | £100,000 | £300,000 | £5,250,000 | | | £800,000 | £6,550,000 |
| 36 | Port Beag Slip | Oban | | | | | | | | | | | |
| 37 | Port Charlotte | Islay (Loch Indaal) | | | | | | | | | | | |
| 38 | Rothesay Harbour | Bute | £40,000 £350,000 £2,500,000 | | | | | | | | | | £2,890,000 |
| 39 | St. Catherine's Slip | Upper Loch Fyne | | | | | | | | | | | |
| 40 | Tayinloan Ferry Slip | Kintyre (West Coast) | | | | | | £50,000 £800,000 | £150,000 £1,000,000 | | | | £2,000,000 |
| 41 | Tighnabruaich Pier | Kyles of Bute | | £30,000 | £250,000 | | | | | | | | £280,000 |
| 42 | West Loch Tarbert | Kintyre (North) | | £30,000 | £250,000 | | | | | | | | £280,000 |
| Totals | | | £4,110,000 | £5,125,000 | £5,200,000 | £5,450,000 | £22,000,000 | £21,150,000 | £6,550,000 | £2,450,000 | £950,000 | £1,800,000 | £74,285,000 |

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ARGYLL AND BUTE COUNCIL**HARBOUR BOARD****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****7TH MARCH 2019**

PORT MARINE SAFETY CODE

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides an update on ongoing initiatives to ensure compliance with the Port Marine Safety Code (PMSC). In particular, this report lists key issues recently highlighted by the Designated Person (DP) in his latest audit report which require addressing:-
- Harbour Regulations / Limits of Jurisdiction
 - Accountability of the Duty Holder
 - Marine Safety Plan
 - Navigational Risk Assessments.
 - Proactive Management of Navigation
 - Emergency Preparedness
 - Pilotage at Campbeltown
 - Licensing of small commercial vessels
 - Qualifications / Training for Harbourmasters
 - Incident Reporting
- 1.2 Updates on the above list of subjects, outlining any actions required, are as listed in this report with further details on dates/actions pending are provided in Appendix A.
- 1.3 Members are asked to a) note this report and b) approve the actions outlined Appendix A to this report to ensure continuous improvement.
- 1.4 The approved Marine Safety Plan (MSP) document is attached to this report in Appendix B. The document has now been placed on the Council web site to ensure users are aware of the document – as requested by the DP.
- 1.5 The DP, in his report, drew attention to the fact that some newly introduced procedures were operating well at some harbour locations; less so at others. To ensure that harbourmasters are sharing knowledge and expertise, a Harbourmaster Working Group has been established.
- 1.6 The Council's Designated Person's latest report states that '*the basic requirements for compliance with the Port Marine Safety Code are now in place*'. This report provides Members with an update on a number of issues identified by the DP, with intended actions to address highlighted concerns.

ARGYLL AND BUTE COUNCIL

HARBOUR BOARD

DEVELOPMENT AND
INFRASTRUCTURE SERVICES

7TH MARCH 2019

PORT MARINE SAFETY CODE

2.0 INTRODUCTION

- 2.1 This report provides an update on ongoing initiatives to ensure compliance with the Port Marine Safety Code (PMSC). In particular, this report lists key issues recently highlighted by the Designated Person in his latest audit report which require addressing.
- 2.2 The Council appointed 'Marico Marine' to provide an independent "Designated Person" (DP) service, as described in the PMSC - initially on a three year contract - which has recently been extended until 31 May 2019.

3.0 RECOMMENDATIONS

- 3.1 Members are asked to a) note this report and b) approve the actions outlined Appendix A to this report to ensure continuous improvement.

4.0 BACKGROUND

- 4.1 Members will be aware that the Council operates 39 piers and harbours located throughout Argyll and Bute (23 of which are income-generating) together with 4 lifeline ferry services to island communities. Many of these are "Statutory Harbour Authorities" (SHAs), which means that the Council has obligations set out in national legislation (notably the Harbours Act 1964).
- 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 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.
- 4.3 The Council's 'Safety Management System' document has now been issued, with the draft status removed. This document is considered to be 'live' and, as such, it will continue to be reviewed and updated on a regular basis.

A copy of the document can be found here:-

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

5.0 DETAIL

5.1 The Council's Designated Person (DP) presented his latest (January 2019) report to Members at the last Harbour Board training session in January of this year. This report highlights issues brought to the attention of Members at the training session; it provides background information and lists any outstanding actions required. The DP's latest report states that '*the basic requirements for compliance with the Port Marine Safety Code are now in place*'. The report goes on to highlight the following ten topics for continuous improvement:-

- Harbour Regulations / Limits of Jurisdiction
- Accountability of the Duty Holder
- Marine Safety Plan
- Navigational Risk Assessments.
- Proactive Management of Navigation
- Emergency Preparedness
- Pilotage at Campbeltown
- Licensing of small commercial vessels
- Qualifications / Training for Harbourmasters
- Incident Reporting

Updates on the above list of subjects, outlining any actions required, are as listed Below (details on dates/actions pending are provided in Appendix A to this report):-

- Harbour Regulations / Limits of Jurisdiction – Plans have been developed indicating proposed harbour limits for all of Argyll and Bute Council's 39 piers / harbours / slips – written descriptions will now be developed to allow Legal Services to re-produce details in their draft Consolidation Order. The new order will include the power to make Harbour Directions.
- Accountability of the Duty Holder – The DP takes the view that the position of 'Duty Holder' should be assigned to the Harbour Board – both collectively and individually – as opposed to the Executive Director, Development and Infrastructure Services. However, the Harbour Board is a fully constituted Council Committee and it would be highly unusual for Members to take on such responsibility. Legal advice will be sought on this issue.
- Marine Safety Plan (MSP) – The MSP is attached in the appendix to this report. This version was approved by Members at the Harbour Board meeting held in September 2017. The DP's most recent audit report suggests that the existence of this report is not widely known. Further details are provided in section 5.2 below.
- Navigational Risk Assessments (NRA) – The DP pointed out that, whilst baseline assessments were in place for each of the main ports, there was a need for an extensive review. Reviews of NRA's at all main ports are all now complete and updates recorded in the Marine Information System known as MARNIS.

- Proactive Management of Navigation – The DP has recommended proactive management of navigation; this must show an auditable trail of how navigational risks are managed on a day-to-day basis. Since the time of the DP's initial audit, weekly navigational meetings are now being held at all main ports, with minutes recorded and stored in the MARNIS information system.
- Emergency Preparedness – The DP reported that the Council's Oil Spill Plan was out of date and Marine Services' exercise programme had not been published. The Oil Spill Plan has now been revised, in light of a number of queries raised by the Maritime Coastguard Agency (MCA) and laterally, approved by MCA. The programme for future emergency exercises will be as follows:- Campbeltown – 2019; Oban – 2020; Rothesay – 2021; Dunoon – 2022. Details will be stored in MARNIS.
- Pilotage at Campbeltown – The DP has highlighted concerns over the lack of control that the council as harbour authority has over the Admiralty pilots currently allowed to operate within Campbeltown Harbour waters at the MOD facility; it should be noted that the DP does state in his report that, there is *'little doubt the Admiralty pilots are suitable'*. The view taken by the Queen's Harbourmaster (QHM), based at Faslane, is that Admiralty Pilots provide the same level of risk mitigation as our Authorised Pilots – 'Forth Pilots'. In addition, the QHM's view is that an Admiralty Pilot should be in control for a berthing at a MoD facility, particularly as MOD facilities operate strict security regimes whereby personnel without clearance would not be permitted access - a ship secured to the jetty is regarded as part of the facility. For the time-being, a Memo of Understanding, between the QHM and Council, will remain in force until such times as this issue can be resolved.
- Licensing of small commercial vessels – The DP has raised concerns over the lack of inspections or direct licensing carried out by harbour staff on small vessels. Since small vessel licencing is nationally coordinated, it seems unlikely that the current arrangement can be altered by the Council. However, to ensure that small commercial vessels within Council harbours are adequately certificated, harbour staff will report all small craft to the Council's Legal Services; records will be shared between Council departments. Work on building up a data base is ongoing.
- Qualifications / Training for Harbourmasters – The DP raised some concern over future training and qualifications for Council Harbourmasters. Following a recent Harbourmasters meeting, special training will be organised for Harbourmasters in the following subjects:- MARNIS information system refresher training; Marine Incident Reporting; Auditing techniques. Qualifications and training information for all marine personnel is held on the Council's training matrix; this information will be transferred to MARNIS.
- Incident Reporting – The DP considered that there had been some under-reporting in relation to dangerous incidents. Harbourmasters have been asked to raise this issue at future User Group meetings to ensure that future incidents are recorded. In addition, CMAL's Harbour Manager at Oban has been

contacted and asked to provide background information for all incidents recorded in Oban Bay.

5.2 The approved Marine Safety Plan (MSP) document is attached to this report in Appendix B. The document has now been placed on the Council web site to ensure users are aware of the document – as requested by the DP. 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.

5.3 The DP, in his report, drew attention to the fact that some newly introduced procedures were operating well at some harbour locations; less so at others. To ensure that harbourmasters are sharing knowledge and expertise, a Harbourmaster Working Group has been established – the first of these meetings will take place in February 2019; subjects for discussion will include: ideas for generating new income; training – harbourmasters and pier operatives; fees and charges – future suggested changes; personal protective equipment; PMSC and auditing.

6.0 CONCLUSION

6.1 The Council's Designated Person's latest report states that '*the basic requirements for compliance with the Port Marine Safety Code are now in place*'. This report provides Members with an update on a number of key issues identified by the DP, with intended actions to address highlighted concerns.

7.0 IMPLICATIONS

| | | |
|-----|--|---|
| 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/Fairer Scotland Duty | 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 Safety Management System in place will assist port customers with the use of our Ports and Harbours and Council staff with their safe operation. |

APPENDIX – Marine Safety Plan - 2017 to 2020

Executive Director of Development and Infrastructure: Pippa Milne

Head of Roads and Amenity Services: Jim Smith

Policy Lead: Councillor Roddy McCuish

26 February 2019

For further information contact: Stewart Clark, Marine Operations Manager

Tel: 01546 604893

APPENDIX A

| SUBJECT | Action required and if so by whom and when | Progress | SMS updated | Comment | Target Date for completion |
|--|--|---|--|---|----------------------------|
| 1) Harbour Regulations / Limits of Jurisdiction - Consolidation Order to be put in place. | S. Clark | Continuing progress - to be with Legal Services by late March 2019. | SMS will be updated once legal process is complete. | Legal process will commence as soon as co-ordinates and harbour area descriptions are provided to legal services. | late 2020 |
| 2) Accountability of the Duty Holder – The DP takes the view that the position of 'Duty Holder' should be assigned to the Harbour Board | S.Clark | Query sent to Legal Services - 26/02/19. | SMS will be updated if required depending upon legal view. | Will await advice from Legal Services | March 2019. |
| 3) Marine Safety Plan (MSP). The latest version of the MSP was approved by Members at the Harbour Board meeting held in September 2017. The existence of this report is not widely known. | n/a | n/a | n/a | MSP now on Council website | Complete |
| 4) Navigational Risk Assessments (NRA) – Need for an extensive review of NRA's. To be recorded in the Marine Information System known as MARNIS. | n/a | n/a | n/a | Review of NRA's will be carried out on an annual basis - this year's all complete for main ports. | Complete |
| 5) Proactive Management of Navigation – There must be an auditable trail of how navigational risks are managed on a day-to-day basis. Weekly navigational meetings to be set up at all main ports; minutes to be recorded and stored in the MARNIS information system. | n/a | n/a | n/a | Weekly navigational meetings are now being held and recorded in all main ports. | Complete |
| 6) Emergency Preparedness – Oil Spill Plan requires updating. The programme for future emergency exercises requires to be agreed and published. | n/a | n/a | n/a | Oil Spill plan revised and updated. Programme for oil spill exercises for next 4 years has been produced. | Complete |
| 7) Pilotage at Campbeltown – The DP has highlighted concerns over the lack of control that the Council, as harbour authority, has over the Admiralty pilots currently allowed to operate within Campbeltown Harbour waters at the MOD facility; | S.Clark | Memo of Understanding currently in place. | SMS will be updated if required. | Meeting to be arranged with DP and Queen's Harbour Master (QHM). | September 2019 |
| 8) Licensing of small commercial vessels – The DP has raised concerns over the lack of inspections or direct licensing carried out by harbour staff on small vessels. | S.Clark / Harbour Masters | Ongoing | SMS will be updated if required. | Harbourmasters to collate list of all small craft for each of the Council's main ports. | September 2019 |
| 9) Qualifications / Training for Harbourmasters – The DP raised some concern over future training plans for Council Harbourmasters. | n/a | n/a | Yes | Training matrix updated. New courses arranged for all Harbourmasters. | Complete |
| 10) Incident Reporting – The DP considered that there had been some under-reporting in relation to dangerous incidents. | Harbourmasters | Ongoing | n/a | Harbourmasters to reinforce message at future User Group Meetings. Historical information for Oban Bay has been provided by Calmac. | September 2019 |

APPENDIX B



Marine Safety Plan 2017 - 2020

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 | Aids to Navigation Meet the availability targets of IALA Hydrographic Surveys Ensure that the Ports and Harbours have an adequate plan of hydrographic surveys and that these are undertaken in line with the agreed schedule and that the results are published within the target timescales. |
| 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 |

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Harbour Board Work Plan 2019 - 20

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 |
|-------------------|---|--------------------------|---|---|--|
| 7 March 2019 | | | | | |
| | Oban Bay – Single Harbour Authority | Marine Operations | Bi-Annual | 8 February 2019 | |
| | Marine Asset Management Plan | Marine Operations | Bi-Annual | 8 February 2019 | To include a section on the Craignure STAG report (or, alternatively, a stand-alone report given the depth of subject material). |
| | Port Marine Safety Code | Marine Operations | Bi-Annual | 8 February 2019 | To include a section on the make-up of the Harbour Board to close out an audit finding and details of most recent DP's audit. |
| 12 September 2019 | | | | | |
| | Oban Harbour Management Group – Oban Bay | Marine Operations | Bi-Annual | 5 September 2019 | |
| | Marine Asset Management Plan – Update on Progress | Marine Operations | Bi-Annual | 5 September 2019 | |
| | Piers and Harbours Fees and Charges 2019/20 | Marine Operations | Bi-Annual | 8 February 2019 | Potential change in funding method for Asset Management Plan along with 2019's |

Harbour Board Work Plan 2019 - 20

| Date | Report Designation | Lead Service/ Officer | Regularity of occurrence/ consideration | Date of Reports to Committee Services | Additional Comment |
|--|--|--------------------------|---|---|----------------------|
| | | | | | percentage increase. |
| | Port Marine Safety Code | Marine Operations | Bi-Annual | 5 September 2019 | |
| 5 March 2020 | | | | | |
| | Oban Harbour Management Group – Oban Bay | Marine Operations | Bi-Annual | 7 February 2020 | |
| | Marine Asset Management Plan – Update on Progress | Marine Operations | Bi-Annual | 7 February 2020 | |
| | Piers and Harbours Fees and Charges 2019/20 | Marine Operations | Bi-Annual | 7 February 2020 | |
| | Port Marine Safety Code | Marine Operations | Bi-Annual | 7 February 2020 | |
| Future Reports – dates to be determined | | | | | |
| | Community Groups & Berthing Dues | | | | |
| | Review of Marine Services Working Practices | | | | |
| | Crane Provision at Campbeltwon | | | | |