

PORT MARINE SAFETY CODE AUDIT PROGRESS

1.0 EXECUTIVE SUMMARY

- 1.1.1 Argyll & Bute Council (A&BC) appointed Marine and Risk Consultants Ltd (Marico Marine) in January 2015 on a three year contract to provide an independent Designated Person (DP) service, as described in the Port Marine Safety Code (PMSC).
- 1.1.2 The DP has highlighted a need to undertake a number of specified works that have been identified through recent audits. The Council has appointed a Mr Mike Brew from Fisher Associates as an interim measure to undertake a number of these audit actions, until the appointment of a permanent Marine Operations Manager is completed. Mr Brew is a qualified Master Mariner and a former Head of the Isle of Man Harbours.

2.0 RECOMMENDATION

- 2.1 That members of the Harbour Board note the implementation plan for PMSC compliance recommended by Fisher Associates namely:
- That ABP Marine Environmental Research Ltd (ABPmer) be appointed to undertake Navigational Risk Assessments (NRAs) for Craignure, Oban North Pier, Dunoon and Campbeltown, and also to review the existing NRA for Rothesay;
 - Prepare a generic Safety Management System (SMS) structure / framework for application to all piers and harbours;
 - Prepare specific SMS appendices for the main harbours based upon the NRAs;
 - Place all the documentation in a form suitable for publication in compliance with the PMSC.

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2.0 INTRODUCTION

- 2.1 In January 2015 Argyll & Bute Council (A&BC) appointed Marine and Risk Consultants Ltd (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 on 31 December 2017.
- 2.2 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.
- 2.3 A number of port and harbour audits have taken place that have identified actions that require to be implemented within an agreed timescale. The recent resignation of the Marine Operations Manager has delayed progress with these actions.
- 2.4 In view of the fact that the post of Marine Operations Manager is currently vacant, and the need to progress the outstanding actions, Mr Mike Brew from Fisher Associates has been appointed on a temporary basis to progress compliance with the PMSC and advise on operational issues as required. A permanent Marine Operations Manager is currently being recruited.

3.0 RECOMMENDATIONS

- 3.1 That members of the Harbour Board note the revised implementation plan recommended by Fisher Associates namely:
- That ABP Marine Environmental Research Ltd (ABPmer) be appointed to undertake Navigational Risk Assessments (NRAs) for Craignure, Oban North Pier, Dunoon and Campbeltown, and also to review the existing NRA for Rothesay;
 - Prepare a generic Safety Management System (SMS) structure / framework for application to all piers and harbours;
 - Prepare specific SMS appendices for the main harbours based upon the NRAs;
 - Place all the documentation in a form suitable for publication in compliance with the PMSC.

4.0 DETAILS

- 4.1 The Council operates 39 piers and harbours located throughout Argyll and Bute 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 **All SHAs are subject to the PMSC. It is a statement of best practice for the safety of marine operations (not quay side or land side) within the SHA’s geographic marine limits, and the approaches to these. The Code is not statutory, but it has a relevance and moral force that means it is obligatory.**
- 4.3 To date, the Council has recognised the Code, but implementation needs to be further developed to involve greater engagement with staff and harbour users. It requires the identification of hazards, assessing of risks with respect to these, and development of measures to address these (these 3 steps are generally termed a “Navigational Risk Assessment” (NRA)). This exercise is used to improve upon the “Safety Management System” (SMS), which then sets out how safe marine operations will be delivered in practice. **It is a bottom up exercise, and not a top down exercise.**
- 4.4 The Council’s activities to date with respect to PMSC compliance include preparation of an NRA for Rothesay. This was flawed because it specifically excluded the local staff who understand these risks, and who must develop and implement the SMS around the NRA.
- 4.5 An audit of the Council’s compliance with the PMSC has been undertaken by the DP in Rothesay (January) and Oban Harbours (April) together with site inspections of the following jetties and slipways during April:
- Oban Times Slip;
 - Port Beag Slip;
 - Crinan Ferry Slips; and
 - Crinan Harbour Quay.

Day to day operation of the Councils piers and harbours is good however the audit identified improvements. These can be derived from consistency across all piers and harbours, ownership of the SMS by harbour staff and more enforcement with harbour users. Recognising this, the Council now intend to further address the Code via the implementation plan set out in this report as follows:

- A. The post of Marine Operations Manager is currently vacant. Whilst recruitment of a permanent post holder is undertaken the Council has appointed Mr Mike Brew from Fisher Associates on a temporary basis to focus on progressing compliance with the PMSC, and advise on operational issues as required.

- B. Mr Brew will progress the following specific tasks over the next 3 months (to end of October):
- Work with ABP Marine Environmental Research Ltd (ABPmer) to undertake Navigational Risk Assessments (NRAs) for Craignure, Oban North Pier, Dunoon and Campbeltown, and also to review the existing NRA for Rothesay;
 - Prepare a generic Safety Management System (SMS) structure / framework for application to all piers and harbours;
 - Working with Harbours staff, prepare specific SMS appendices for the main harbours based upon the NRAs;
 - Place all the documentation in a form suitable for publication in compliance with the PMSC.
- C. Council technical staff have completed a number of identified actions [Appendix A] within the DP audit, and will work with Mr Brew to progress other matters as required.

5.0 CONCLUSION

5.1 The Council's DP has carried out audits of Rothesay and Oban Harbours together with an inspection of a number of small slips and piers. A number of actions have been identified during these audits and inspections. Mr Mike Brew from Fisher Associates, a qualified Master Mariner and Harbour Master, has been appointed on a temporary basis to undertake a process of improving the PMSC process working alongside Council staff. Mr Brew has been tasked to progress this process over a 3 month period, as the Council seeks a permanent replacement for the vacant Marine Operations Manager post. The implementation plan proposed by Fisher Associates is summarised in paragraph 3.1 Recommendations, above.

6.0 IMPLICATIONS

6.1	Policy	None directly arising from this report
6.2	Financial	The appointment of Mr Brew and ABPmer will be met through operational budgets.
6.3	Legal	Any failure to implement the PMSC may have legal consequences in the event that there should be a marine incident.
6.4	HR	None
6.5	Equalities	None
6.6	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

6.7 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.

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13th July 2015

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Appendix 1 – PMSC Recommendations

APPENDIX 1

ROTHESAY - PMSC Recommendations (January 2015)	Action required and if so by whom and when	Progress	Comment	Completed date
1. Ensure that once appointed members of the new Harbour Board are appropriately trained in their respective duties and responsibilities as Duty Holder.	Marine Operations Manager / Head of service	Ongoing	Date and agenda to be ratified by members of the Harbour Board Authority on 13 Aug 2015	Sep-15
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).	Names of Harbour Board members to be established and forwarded to Marine Operations Manager / Head of service	E-mail request to corporate		Completed
3. Set-up a local harbour users' group forum at the earliest opportunity.	Consultant to take forward	harbour user groups being assembled by harbour Masters		Oct-15
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.	Consultant to prepare generic SMS	Mike Brew of Fisher Associates appointed as interim Marine Operations Manager Fergus Murray met Fisher consultants 13/7/15	Rothsay and Oban have individual PMSC completed however it is considered desirable to prepare a generic doc with harbour specific appendices.	Oct-15
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.	Consultant to clarify Navigational risk Assessment with ABP	Fergus Murray met Fisher consultants 13/7/15 ABPmer appointed to carry out risk assessments at main harbours		Oct-15
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.	Review of Hazards to be undertaken by Consultant	Fergus Murray met Fisher consultants 13/7/15		Oct-15
7. Review, correct and update the Safety Management System as identified in this report.	Harbourmaster to update SMS			Oct-15
8. Update, amend and correct the Port Emergency Plan.	Harbourmaster to update PEP	Ongoing		Sep-15
9. Put in place an emergency plan exercise time-table.	Harbourmaster to produce programme	Ongoing. H/M to attend Tier 2/port security exercise at Campbeltown Aug 2015.		Sep-15
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.	Consultant to undertake review	Fergus Murray met Fisher consultants 13/7/15		Oct-15
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.	Ongoing		Sep-15
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.	Bathymetric survey to be carried out by Aspect Surveys	E-mail sent 10/7 requesting timesales/costs.	Survey located	Aug-15
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 to establish with UKHO	ongoing		Sep-15

OBAN - PMSC Recommendations (April 2015)	Action required and if so by whom and when	Progress	Comment	Completed date
1. Clarification should be sought with regards to the relevant maritime local legislation describing the main duties and powers pertaining to the Statutory Harbour Authority. Alternatively, identify the enabling local legislation.	A&BC legal to advise	Donnie Kelly requesting Oban Pier and Harbour Order, 1864, as confirmed by the Pier and Harbour Orders Confirmation Act, 1864.		
2. Ensure that once appointed, members of the new Harbour Board are appropriately trained in their respective duties and responsibilities as Duty Holder.	Marine Operations Manager / Head of service	Ongoing	Date and agenda to be ratified by members of the Harbour Board Authority on 13 Aug 2015	Sep-15
3. A formal assessment of navigation hazards needs to be undertaken which will help to develop the safety management system.	Consultant to undertake formal assessment	Fergus Murray met Fisher consultants 13/7/15 ABPmer appointed to carry out the risk assessment		Oct-15
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.	Consultant to prepare generic SMS	Mike Brew of Fisher Associates appointed as interim Marine Operations Manager Fergus Murray met Fisher consultants 13/7/15	Rothesay and Oban have individual PMSC completed however it is considered desirable to prepare a generic doc with harbour specific appendices.	Oct-15
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.	Consultant to prepare Marine Safety Management Plan	Fergus Murray met Fisher consultants 13/7/15		Oct-15
6. Carry out a hydrographic survey for the North Pier berths and ensure that the results are promulgated to harbour users' accordingly.	Bathymetric survey to be carried out by Aspect Surveys	E-mail sent 10/7 requesting timescales/costs.		
7. Set-up a local harbour users' group forum in conjunction with Caledonian Maritime Assets Ltd., at the earliest opportunity.	Consultant to take forward	harbour user groups being assembled by harbour Masters		Dec-15
8. Prepare a harbour emergency plan.	Harbourmaster to produce E.P.	Ongoing		Sep-15
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.	Harbourmaster to produce programme	Ongoing. H/M to attend Tier 2/port security exercise at Campbeltown Aug 2015.		Oct-15
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.	Harbourmaster to ensure RA's in place	Ongoing		Aug-15
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.	Legal services to issue licence.	Procedure available on A&BC website		Completed
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.	Consultant to prepare document	Risk and responsibilities clarify in report to P&R on Dec 15. Fergus Murray met Fisher consultants 13/7/15. Further report to EDI in Aug 15 clarifying roles and responsibilities	<i>There is a need for a further overarching document.</i>	Oct-15
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.	A&BC to publish on website	Oban Harbourmaster has been tasked with this.	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 on-board any vessel whilst alongside North Pier. This should be promulgated by a Local Notice to Mariners.	Technical Officer to discuss implications with H&S	Ongoing		Sep-15
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 .	Technical Officer to produce central database. All Harbourmasters/Ferry Staff <u>must</u> report centrally.	Ongoing		Sep-15

A&BC SLIPWAYS / PIERS - PMSC Recommendations	Action required and if so by whom and when	Progress	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.	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	Monitoring by Harbourmaster	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	New signage commissioned by Marine Operations	Oct-15
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.	Inspection to be carried out by Technical Officer	Inspection carried out 19 May 2015 prior to arrival of QM2	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	Not considered to be a Health and Safety issue but need for ongoing monitoring on a regular basis	Ongoing
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.	2 new rings on order, 1 failed and 1 missing		2 rings replaced / 2 rings fixed	Completed
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.	Operational issue	Head of Service has written to Cuan staff in July 2015 highlighting Council procedures		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.	Procedure has been altered, fuel now being delivered by tanker direct to the vessel. Diesel tank to be removed in the future		Fuel cabinet no longer in use	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.	Inspection to be carried out by Technical Officer	Inspections carried out on all Council rings and ladders fixed in position	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)	Inspection to be carried out by Technical Officer. Inspection intervals are every 2 years	Ongoing		Oct-15
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	New signage commissioned by Marine Operations	Oct-15