

**PORT MARINE SAFETY CODE**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 Argyll & Bute Council appointed Marico Marine to provide an independent Designated Person (DP) service, as described in the Port Marine Safety Code (PMSC). In his most recent report, the DP has identified a need to address a number of specific issues – actions to rectify highlighted issues have either been completed or are ongoing.
- 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 been published on the Council's web site and annexes are in the process of being completed with a target completion date of 31 May 2018.
- 1.4 A copy of the Marine Safety Plan is attached as an appendix to this report.
- 1.5 It is recommended that Members;
- a) note this report; and
  - b) approve the attached revised version of the Marine Safety Plan.

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**2.0 INTRODUCTION**

- 2.1 This report provides an update on ongoing initiatives to ensure compliance with the Port Marine Safety Code.
- 2.2 The Council 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. The most recent report from the DP highlights a number of issues which require to be addressed to ensure compliance with the Code.

**3.0 RECOMMENDATIONS**

- 3.1 Members are asked to;
- a) note this report; and
  - b) approve the revised Marine Safety Plan which is attached to this report.

**4.0 BACKGROUND**

- 4.1 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 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 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.

## **5.0 DETAIL**

5.1 The Council’s Designated Person (DP) has now carried out audits at all of the Council’s manned ports - Rothesay (January 2015), Oban (April 2015), Campbeltown Harbour (January 2016), and Dunoon (September 2016). The DP has produced his latest biannual report which highlights the following as key actions:-

- Harbour regulations – require review.
- Harbour websites – require to be made more accessible.
- Navigational risk easements - require reviewing.
- NAABSA Berths - require greater management.
- Out-of-hours cover at main ports - requires formalisation.
- Licensing of small commercial vessels - requires review.
- Cruise ship tenders – the status of these small vessels requires to be reviewed.

The very latest update regarding the above issues will be provided to Members at the Harbour Board meeting. At the time of writing this report, the current situation is as follows:-

- Harbour regulations – Legal Services are currently liaising with Marine Scotland in the making of a Consolidation Order for all of Argyll and Bute Council’s piers and harbours; this will include the power to make Harbour Directions. The final order is expected to be in place within 6 to 9 months.
- Harbour websites – Websites are being updated to make them more user-friendly. Initially, this will affect web sites for the four Council-operated ports – Campbeltown, Dunoon, Rothesay and Oban; these four sites are expected to be fully in operation within the next few weeks. New sites for other facilities will follow-on in due course.
- Navigational risk assessments – Navigational risk assessments will be reviewed on an annual basis, or if circumstances merit an early review. A review is planned to be carried out over coming weeks at all main ports.
- NAABSA Berths – The Council operates one NAABSA (Not Always Afloat But Safely Aground) berth at Rothesay Harbour. The Designated Person has highlighted the fact that the management and operation of this berth requires improvement. Use of the berth will be reviewed over coming weeks and any necessary changes in its operation will be implemented thereafter.
- Out-of-hours cover at main ports – Cover is currently in place on an informal basis and this requires to be ratified. Work is in hand to formalise stand-by arrangements between Harbour Masters and their staff; formal arrangements

are expected to be in place by the end of this month.

- Licensing of small commercial vessels – Advice on this aspect of Council licencing has recently been provided by Legal Services with further advice awaited. However, since licencing is nationally coordinated, it seems unlikely that the current arrangement can be altered by the Council.
- Cruise ship tenders – Cruise ships (or more likely their agents) must provide copies of vessel passage plans and crew lists as a pre-requisite to gaining permission to enter a Council port. For Council-operated ports, the majority of these vessels' passengers alight at Oban. In future, cruise ship agents will be asked to verify that qualified crew members are in charge of tenders at all times whilst within the limits of the harbour area. It is planned to have this new requirement in place within the next few weeks.

5.2 The Safety Management System (SMS) document has now been published on the Council's web site under 'Piers and Harbours' and work in completing outstanding annexes to the SMS is ongoing with all work targeted to be complete by 31 May 2018 - annexes for the main ports have just recently been completed.

5.3 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 was presented to Members at the last harbour Board meeting on 23 March 2017 and the revised report, which has been updated following comments from Members of the Harbour Board, is attached in Appendix A to this report. Members are asked to approve the Plan prior to its formal issue.

5.4 The next round of 'User Group' meetings is due. Meetings, to date, have taken place at Rothesay, Oban, Dunoon, Campbeltown and Carradale. Both the Rothesay and Oban User Group Meetings have elected their own Chairs. In the forthcoming round of meetings, a User Group Meeting will be held specifically for Port Askaig on Islay – this will be the first meeting for this location.

## **6.0 CONCLUSION**

6.1 The Council's Marine Safety Plan has been completed and is attached to this report for final approval by Members prior to issue. The next round of User Group meetings is due to take place at our main ports shortly. Actions to address issues raised by the DP in his recent report are either complete or ongoing.

## **7.0 IMPLICATIONS**

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

|     |                          |  |
|-----|--------------------------|--|
| 7.4 | <b>HR</b>                | None   |
| 7.5 | <b>Equalities</b>        | None   |
| 7.6 | <b>Risk</b>              | 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 | <b>Customer Services</b> | 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 – Marine Safety Plan - 2017 to 2020**

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10 August 2017

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# **APPENDIX A**



## 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<br>Meet the availability targets of IALA<br>Hydrographic Surveys<br>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  |