

**PORT MARINE SAFETY CODE**

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**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.

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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 (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	<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/Fairer Scotland Duty</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 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**

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26 February 2019

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# **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