

PORT MARINE SAFETY CODE

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides an update on progress being made towards compliance with the Port Marine Safety Code (PMSC) and follows from the report to the Harbour Board in March 2022.
- 1.2 The primary role of the Designated Person is to provide independent assurance regarding the operation of the Marine Safety Management System and in September 2021 Assurance Audits were carried out at Helensburgh Pier, Kilcreggan Pier and Dunoon Harbour.
- 1.3 The Port Marine Safety Code uses ten key measures as a baseline with which to compare compliance. Three of these key measures were identified by the Designated Person as not being met at Helensburgh and Kilcreggan, while four were identified at Dunoon. This report summarises the measures being taken to eradicate the deficiencies.
- 1.4 The Designated Person will hold Duty Holder training for Members of the Harbour Board on 5th September 2022.
- 1.5 The next scheduled external Assurance Audits by the Designated Person are planned for 6th September 2022 in Oban.
- 1.6 An Internal Audit has been carried out in Oban to aid in the preparations for the External Assurance Audit by the DP.

RECOMMENDATIONS

- 1.7 Members of the Harbour Board are asked to consider and endorse this report.

PORT MARINE SAFETY CODE

2.0 INTRODUCTION

- 2.1 This report provides an update on the progress being made towards compliance with the Port Marine Safety Code (PMSC) and follows from the report made to the Harbour Board in March this year.
- 2.2 The PMSC (the code) sets out a national standard for every aspect of port marine safety and identifies ten key measures as a benchmark against which successful high-level implementation of the code can be compared.
- 2.3 A Designated Person (DP) must be appointed to provide independent assurance regarding the operation of the Marine Safety Management System and this position was awarded to ABPmer in November 2020 with Monty Smedley appointed as DP.
- 2.4 The PMSC uses ten key measures as a baseline with which to compare compliance. Three of these key measures were identified by the Designated Person as not being met at Helensburgh and Kilcreggan, while four were identified at Dunoon. This report will update on the measures taken to eradicate the deficiencies.
- 2.5 The DP Assurance Audit reports also highlighted three examples of 'Best Practice' at Helensburgh & Kilcreggan and also three examples of 'Best Practice' at Dunoon Harbour.
- 2.6 The DP will next audit Oban Harbour which is planned for 6th September 2022.
- 2.7 Close liaison is maintained between the Marine Management, Harbour Masters and the DP to facilitate real time compliance and advice. A remedial action plan towards full compliance with the code was agreed earlier this year and progress is being maintained.

3.0 RECOMMENDATIONS

- 3.1 Members of the Harbour Board are asked to consider and endorse this report.

4.0 DETAIL

BACKGROUND

4.1 The PMSC sets out a national standard and identifies ten key measures as a benchmark against which successful high-level implementation of the code can be compared. The ten key measures identified in the code are as follows:

1. Duty Holder
2. Designated Person
3. Legislation
4. Duties and Powers
5. Risk Assessment
6. Marine Safety Management System (MSMS)
7. Review and Audit
8. Competence
9. Plan
10. Aids to Navigation

4.2 On 22nd September 2021 the DP carried out an Assurance Audit at Helensburgh Pier and Kilcreggan Pier, attended by the Marine Operations Manager Scott Reid and Pier Master Gavin Walker. The DP report found three measures were not being fully met and that there were three areas of 'Best Practice'.

4.3 On 23rd September 2021, the DP carried out an Assurance Audit at Dunoon Harbour attended by the Marine Operations Manager Scott Reid and Harbour Master Paul Lambert. The DP report found that four measures were not being fully met and that there were three areas of 'Best Practice' Members should note that it is not unusual for measures not being fully met. The PMSC Assurance Audit process is designed to provide a process of continuous improvement and learning.

4.4 Remedial Measures Action Plan:-

Item No	Deficiency	Remedy	Status	Deadline
3	Not holding copies of the Harbour Orders legislation	Locate the relevant legislation and ensure copies held by Argyll & Bute Council legal team and local harbour offices.	Copies obtained from Parliamentary archives.	Good Progress, Completed by March 2023
4	Appointment letters for Statutory Positions (Harbour Masters)	Issue Argyll & Bute Council appointment letters to Harbour Masters quoting relevant legislation	Appointment letters to be issued for all Harbour Masters with reference to the appropriate legislation.	Good Progress Completed by March 2023
5	<ul style="list-style-type: none"> a. Risk assessments for each location. b. Document stakeholder engagement c. MSMS does not stipulate review period or address Dynamic Risk Assessment. 	<ul style="list-style-type: none"> a. Enable MARNIS databank is set up for all locations. b. Local stakeholder input to be kept on record or by email. c. MSMS to be reviewed with revisions. Dynamic Risk Assessment to be addressed in the document 	<p>ABPmer MARNIS support assisting with software set up of 'Location tabs'. MSMS wide review and systematic 'Masters Review of MSMS' as a fixed agenda item on Harbour Masters Safety Meetings.</p> <p>Dynamic Risk Assessment 'Cards' to be printed and issued to harbours for use in 'On site On day' Toolbox talks and Risk Assessment.</p>	Completed by March 2023

		and at the locations.		
6	MSMS has no annex for all locations.	MSMS to be reviewed with revisions. All locations to be included as individual standard format annex.	Wide review of MSMS format and structure is ongoing.	Ongoing work – Reissue for approval by March 2023
9	MSP not assessed and performance published.	Marine Safety Plan to be assessed and performance published.	Targets and performance criteria to be reviewed and developed.	Completed and published by March 2023

- 4.5 It is Argyll & Bute Council's objective to achieve full compliance with the Code and to this end the advice from the DP is being closely followed.
- 4.6 Ongoing actions towards compliance can be summarised as follows:
- Investigations and representations have resulted in copies of the relevant legislation being obtained from Parliamentary Archives.
 - Appointment letters are being issued for all Harbour Masters with reference to the appropriate legislation.
 - Risk Assessment and Dynamic Risk Assessment database being addressed.
 - MARNIS database set up with all major ports and harbours.
 - Wide review and reorganisation of the MSMS format and structure.
 - Targets and Performance criteria being developed to measure effectiveness. The results to be published on the Argyll and Bute Council webpage.
- 4.7 Internal audits are also carried out to assist in the identification and eradication of any deficiencies as a priority. These actions will be evaluated during the external audit process which will continue in September 2022 at Oban.
- 4.8 An Internal Audit was carried out at Oban in August in preparation for the External Audit with the report to follow.
- 4.9 Argyll and Bute Council Harbour Board Duty Holder Training recommended by the Code is planned to take place in Oban on 5th September 2022. This training will be undertaken by the DP.

5.0 CONCLUSION

- 5.1 This report provides Members with an update on the progress towards full compliance with the PMSC. Further updates will continue as the auditing process continues.

6.0 IMPLICATIONS

- 6.1 Policy - None directly arising from this report.
- 6.2 Financial - None arising from this report.
- 6.3 Legal - Failure to comply with the PMSC could have legal consequences following a marine incident.
- 6.4 HR - None.
- 6.5 Fairer Scotland Duty:
- 6.5.1 Equalities - protected characteristics - None directly arising from this report.
- 6.5.2 Socio-economic Duty - None directly arising from this report.

- 6.5.3 Islands - Compliance with the PMSC will help ensure safe and effective port operations.
- 6.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 6.7 Risk - Compliance with the PMSC will minimise the risk of port operations.
- 6.8 Customer Service - Compliance with the PMSC will assure customers and port users; and assist council staff with safe operations.

Executive Director with responsibility for Roads and Infrastructure Services:

Kirsty Flanagan

Head of Roads and Infrastructure Services: Jim Smith

Policy Lead for Roads and Infrastructure: Councillor Andrew Kain

August 2022

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APPENDICES

Appendix A Designated Person Annual Report 2022

Appendix B Audit Report – Helensburgh & Kilcreggan Piers November 2021

Appendix C Audit Report – Dunoon Harbour October 2021