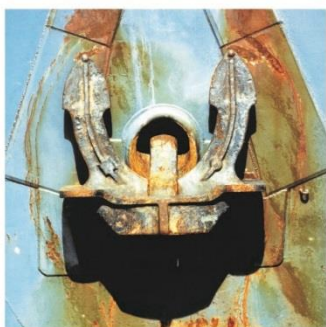
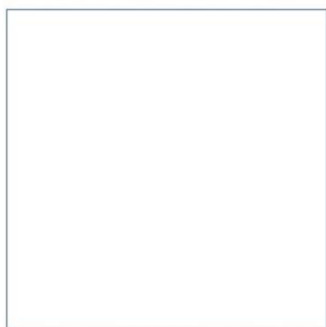


# Argyll and Bute Council

## Designated Person (PMSC)

Annual Report 2022

January 2022



Innovative Thinking - Sustainable Solutions

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# 1 Introduction

This report is provided by ABPmer to Argyll and Bute Council and is written to inform the Harbour Board and Duty Holder of their current status in respect of compliance with the Port Marine Safety Code (PMSC) published by the Department for Transport (DfT) and regulated through the Maritime and Coastguard Agency (MCA). The Port Marine Safety Code is referred to within this report as 'the Code' and the accompanying Guide to Good Practice is abbreviated to 'the GtGP' (DfT, 2018). This report summarises activities carried out by ABPmer as the supplier of Designated Person services between 01 January 2021 and 31 December 2021.

## 2 Port Marine Safety Code

The Code sets out a national standard for every aspect of port marine safety (DfT, 2016). The aim of the Code is to enhance safety for everyone who uses or works in the UK port marine environment. In order to successfully implement the requirements of the Code, ten key measures are identified as relevant for all Harbour Authorities to consider. These are summarised below:

**Table 1 Port Marine Safety Code Ten Key Measures**

No	Ten Key Measures Required for Successful Implementation of the Code	
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.
2	Designated Person	A 'Designated Person' must be appointed to provide independent assurance about the operation of the marine safety management system. The Designated Person must have direct access to the Duty Holder.
3	Legislation	The Duty Holder must review, and be aware of, their existing powers based on local and national legislation; seeking additional powers if required in order to promote safe navigation.
4	Duties and Powers	Comply with the duties and powers under existing legislation, as appropriate.
5	Marine Risk Assessment	Ensure all marine risks are formally assessed and are eliminated, or as low as reasonably practicable in accordance with good practice.
6	Marine Safety Management System	Operate an effective marine safety management system, which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.
8	Competence	Use competent people (i.e., trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.
9	Plan	Publish a safety plan, showing how the standard in the Code will be met, and a report assessing the performance against the plan at least every three-years.
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.

## 2.1 Argyll and Bute Council and the Code

Argyll and Bute Council is both a **Statutory Harbour Authority** and a **marine asset owner** at facilities located throughout the Council area. The Council is the Statutory Harbour Authority at the following locations:

- Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
- Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
- Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.
- Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.

The Council is the marine asset owner and, in most cases, operator at a further 35 piers, wharves and slipways. Some of these marine assets are located within the jurisdiction of a Statutory Harbour Authority (for example, Kilcreggan and Helensburgh Piers are located in Clydeport's harbour). Others are located outside of Harbour Authority boundaries (for example, Iona and Fionnphort). In all situations, the Council is responsible for marine safety and must manage these facilities in compliance with the requirements of the Code.

## 2.2 Assurance Audits

The primary role of the Designated Person is to provide independent assurance about the operation of the marine safety management system. This is achieved through assurance auditing at ports, harbour, piers and other marine facilities. the following audits were conducted during 2021:

- 22 September 2021: Helensburgh Pier PMSC audit.
- 22 September 2021: Kilcreggan Pier PMSC audit.
- 23 September 2021: Dunoon Harbour PMSC audit.

## 3 Audit outcomes

The following section provides the outcome the audits as a comparison against the Code's ten key measures. A red item indicates an aspect of the Code which is not being delivered, an amber indicates an area which is acceptable but improvements could be made. Green indicates a satisfactory performance.

**Table 2 Helensburgh and Kilcreggan Pier Audit**

No	Ten Key Measures Required for Successful Implementation of the Code		RAG
1	Duty Holder	The Duty Holder is the Council's Executive Director of Development and Infrastructure Services. The Harbour Board provides policy direction to the officers of the Authority.	Green
2	Designated Person	Argyll and Bute Council has appointed Monty Smedley, Principal Maritime Consultant at ABPmer as its Designated Person, the DP provides an annual briefing to the Duty Holder and Board.	Green
3	Legislation	Helensburgh and Kilcreggan Piers are marine facilities and do not have their own local Acts and Orders. The Marine Safety Management System lists relevant national legislation.	Green

No	Ten Key Measures Required for Successful Implementation of the Code		RAG
4	Duties and Powers	Marine environmental policy lacks details, training for staff on environment duties is not in place. Oil pollution exercises at Helensburgh or Kilcreggan Pier should be introduced.	Yellow
5	Marine Risk Assessment	There are no marine risk assessments for either Helensburgh or Kilcreggan Piers. There is no documented stakeholder engagement on marine risk assessments.	Red
6	Marine Safety Management System	Whilst the Council provides a Marine Safety Management System (MSMS) manual [version 11, May 2020]; there is no Annex for either Helensburgh or Kilcreggan Piers.	Red
7	Review and Audit	The Council has an internal audit structure in place. There is no evidence that either Helensburgh or Kilcreggan Piers have had a scheduled internal audit. Ad hoc assurance visits are made.	Yellow
8	Competence	Pier staff qualifications were in-date and relevant for the role. The Council training matrix does not include the Kilcreggan Pier Master or Pier Operatives.	Yellow
9	Plan	A 'Marine Safety Plan' for 2021 to 2023 is in place. The previous plan for the years 2018 to 2020 has not been assessed and the Organisation's performance published as required by the Code.	Red
10	Aids to Navigation	As the Local Lighthouse Authority, the Council meets and exceeds the availability criteria: Category 2 = 99.6% (target is 99.0%), Category 3 = 100% (target is 97.0%)	Green

Items of best practice noted from the Helensburgh and Kilcreggan Pier Audits include:

- Provision of bathymetric surveys for the piers and their approaches is considered to be best practice and a commitment by the Council's in its duty of care for pier users.
- An Oil Pollution Response Plan is in place, which has been approved by the MCA. Given the size of marine operations at Helensburgh and Kilcreggan Piers, a response plan is recognised as an area of best practice.
- At Kilcreggan Pier, the pedestrian access routes, on site management by the pier staff and waiting area at a dedicated pier building makes for safe and efficient marine operations. The pier buildings have been newly refurbished, the layout and maintenance of the Kilcreggan Pier is considered to be an area of best practice.

**Table 3 Dunoon Audit**

No	Ten Key Measures Required for Successful Implementation of the Code		RAG
1	Duty Holder	The Duty Holder is the Council's Executive Director of Development and Infrastructure Services. The Harbour Board provides policy direction to the officers of the Authority.	Green
2	Designated Person	Argyll and Bute Council has appointed Monty Smedley, Principal Maritime Consultant at ABPmer as its Designated Person, the DP provides an annual briefing to the Duty Holder and Board.	Green
3	Legislation	The Harbour Authority does not hold a copy of its local legislation, specifically 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.	Red
4	Duties and Powers	Appointment letters for statutory roles are not in place. Incorporation of the 'Harbour, Docks and Piers Clauses Act 1847 cannot be ascertained as local legislation is not held.	Red

No	Ten Key Measures Required for Successful Implementation of the Code		RAG
5	Marine Risk Assessment	Marine risk assessments for Dunoon are in place and current. The MSMS does not stipulate review frequency, nor does the document address Dynamic Risk Assessment.	Red
6	Marine Safety Management System	The Council produces a Marine Safety Management System [version 11, May 2020]. The MSMS is presented as a manual and supporting Annexes for individual ports, harbours and piers.	Green
7	Review and Audit	The Council has an external and internal audit structure in place. The last internal audit was carried out at Dunoon on 23 July 2021 and was a comprehensive check against the GtGP.	Green
8	Competence	Harbour staff qualifications were in-date and relevant for the role. Central training records document Harbour Masters and Assistants, other personnel are not included.	Yellow
9	Plan	A 'Marine Safety Plan' for 2021 to 2023 is in place. The previous plan for the years 2018 to 2020 has not been assessed and the Organisation's performance published as required by the Code.	Red
10	Aids to Navigation	As the Local Lighthouse Authority, the Council meets and exceeds the availability criteria: Category 2 = 99.6% (target is 99.0%), Category 3 = 100% (target is 97.0%)	Green

Items of best practice noted from the Dunoon Audit includes:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.6% for Category 2 Aids.
- All eight Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended Duty Holder Training. The Marine Safety Plan has an objective of 100% attendance for Duty Holder training.
- A set of 16 marine risk assessments are in place for the harbour, all assessments were in-date at the time of audit. Review dates are staggered throughout the year. The hazard scenarios cover a range of foreseeable eventualities based on current harbour activities and past incidents. This is considered to be an area of best practice.

### 3.1 Assurance Audit Outcome

From Table 2 and 3, it is evident that none of the audits established that the Code was fully implemented. Some of the identified non-compliances related to Council wide issues, such as the review of the previous marine safety plan. Others were specific to the location, such as the non-retention of local Acts and Orders. The full audit reports provide the Council with the detailed findings and recommendations for addressing each observation and non-compliance.

## 4 Delivery Plan and Activities

During 2021, the Designated Person has attended the following:

- Meetings:
  - 04 March 2021: Designated Person presentation to the Harbour Board via MS Teams.
  - 17 March 2021: Council Harbourmasters' meeting via MS Teams.
  - 24 September 2021: Duty Holder site visit to Oban, Duty Holder briefing.



- Training:
  - 14 May 2021: Duty Holder half-day training run via MS Teams.

This section provides a generalised plan for the Designated Person; this plan can be adapted to any developing needs of the Authority. Target activity delivery dates are shown below:

- Designated Person audit schedule:
  - September 2022: Oban, Craignure, Fionnphort, Iona ferry slip, Bunessan.
  - September 2023: Rothesay, Port Askaig, Port Charlotte Pier, Bruichladdich Pier.
  - September 2024: Campbeltown, Carradale Harbour, West Loch Tarbert Pier.

## 5 Designated Person Summary

The Council is responsible for at least four Statutory Harbour Authorities and 35 marine facilities; all of which are required to operate to the standard of the Port Marine Safety Code. The audits, carried out at one harbour and two piers during 2021, have identified that not all of the Code's requirements are met. It does not necessarily follow that other marine facilities will demonstrate a similar pattern, however some of the non-compliances and observations identified by the 2021 audits exist at a Council level. The Audits also identified areas of best practice, including training provision for Duty Holders, the active and timely update of marine risk assessments at Dunoon, and the attentive site management by the pier staff at Kilcreggan.

## 6 References

DfT, 2016. Port Marine Safety Code. Department for Transport (DfT) / Maritime and Coastguard Agency (MCA), November 2016.

DfT, 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016. Department for Transport (DfT) / Maritime and Coastguard Agency (MCA), February 2018.

## 7 Abbreviations/Acronyms

DfT	Department for Transport
DP	Designated Person
GtGP	Guide to Good Practice
MCA	Maritime and Coastguard Agency
MS	Microsoft
MSMS	Marine Safety Management System
PMSC	Port Marine Safety Code
UK	United Kingdom

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