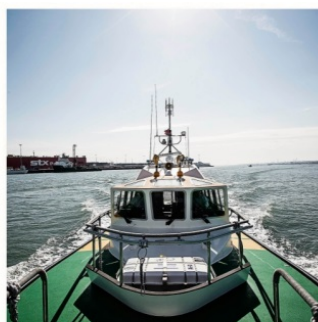
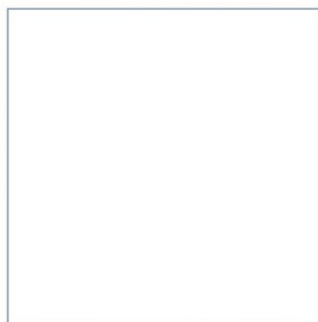


Argyll and Bute Council

Port Marine Safety Code

Audit: Helensburgh & Kilcreggan Piers 2021

November 2021



Innovative Thinking - Sustainable Solutions

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Port Marine Safety Code




Audit: Helensburgh & Kilcreggan Piers 2021

November 2021



Document Information

Document History and Authorisation		
Title	Port Marine Safety Code	
	Audit: Helensburgh & Kilcreggan Piers 2021	
Commissioned by	Argyll and Bute Council	
Issue date	November 2021	
Document ref	R.3730	
Project no	R/4952/01	
Date	Version	Revision Details
19 October 2021	1	Issued for client review
11 November 2021	2	Issued for client use

Authorised (Designated Person)	Approved (Quality Manager)	Authorised (Project Director)
Monty Smedley	Will Fellows	Gordon Osborn
		

Suggested Citation

ABPmer, (2021). Port Marine Safety Code, Audit: Helensburgh & Kilcreggan Piers 2021, ABPmer Report No. R.3730. A report produced by ABPmer for Argyll and Bute Council, November 2021.

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1 The Port Marine Safety Code

The Port Marine Safety Code ('the Code') sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses, or works in, the UK port marine environment. It is authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT, 2016).

In reading this audit report, the Council and Duty Holder should note the following extract from the Code:

"The Code does not contain any new legal obligations but includes (amongst other things) references to the main legal duties which already exist. Failure to comply is not an offence in itself. However, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties. Moreover, the organisation may suffer reputational damage if it has publicly committed to the Code's standards and then fails to meet them."

(DfT, 2016)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities	PMSC Section Reference
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.	1.6-1.8, 1.10, 1.16-1.17
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.	1.11-1.12
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.	2.3-2.6, 4.3-4.5
4	Duties and Powers Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
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.	2.12-2.17, 2.19-2.23, 2.25, 2.29
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.	2.2, 2.24, 2.30-2.32
8	Competence Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
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 3 years.	2.26-2.28
10	Aids to Navigation Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

1.1 About the Harbour Authority

Argyll and Bute Council is the marine facility owner and operator for the Helensburgh Pier and adjacent slipways, and the Kilcreggan Pier on the Rosneath Peninsula. These marine facilities are not Statutory Harbour Authorities (SHA) in their own right, Helensburgh sits within the 'Clyde Dockyard Port of Gareloch and Loch Long' (which is a Queen's Harbour Master Dockyard Port) and Kilcreggan sits within the SHA for Clydeport which is a privately owned Harbour Authority operated by Peel Ports.

Helensburgh Pier was built in 1860 and is a 245 m pier, with a L-Shaped jetty head, with a wide pier leading to a car park. The pier has two slipways, one on either side at the root of the pier. The pier has not accepted vessel since 2020 when the berthing area and access steps were restricted in use with pedestrian railings added and access steps removed or blocked off. A fire in the 1970s on the pier destroyed the previous pier building, leaving the pier decking in one area in a derelict condition. The derelict section has security fencing to prevent public access. Helensburgh Pier is not staffed but is inspected by the Kilcreggan Pier Master on a scheduled basis.

Kilcreggan Pier provides berthing and passenger access for the ferry service connecting Gourock with Kilcreggan. The original pier was built in 1850 and was replaced by the current pier in 1897. The ferry assigned to this route is the 19.5 m Motor Vessel (MV) *Chieftain* which is operated by CalMac Ferries Ltd (CFL). The vessel provides a service for foot passengers, with a summer schedule, Monday to Friday, from *circa* 06:50 to 18:45 hr; with reduced hours service on Saturday. Kilcreggan Pier is permanently staffed with a Pier Master and Pier Operatives.

2 Purpose and Method

2.1 Audit purpose and scope

Argyll and Bute Council (A&BC) has contracted ABPmer to provide Designated Person services for its ports, harbours and piers. Part of this service includes the provision of port auditing to establish if the requirements of the Code are being met at each of A&BC's ports, harbours and piers. Each facility will be audited as a rolling programme. The scope of each audit requires an on-site visit. The purpose of the site visit is to review the port, harbour or pier's marine safety management system, vessel traffic management and mooring operations. The detailed audit topic list is drawn from the latest edition of the Code and laid out in Appendix A of this report. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

2.2 Audit definitions and outcomes

The following definitions are used in the audit report:

Non-compliance: is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The Port Marine Safety Code requires organisations to confirm compliance with the requirements of the Code. Therefore, Port Marine Safety Code audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

Non-conformity: is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the port or harbour's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

Evidence: Non-compliances and Non-conformities are identified through factual evidence sampled during the audit.

2.2.1 Outcomes

The audit report uses the following outcomes:



Non-Compliance: a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



Observation: refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with local operating instructions. Whilst observations are defined as improvement opportunities, addressed them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



Satisfactory: a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

Not applicable: part of the Code that is not relevant to the Organisation being audited.

2.3 Audit date and criteria

The audit was carried out on-site at Helensburgh Pier and Kilcreggan Pier on the 22 September 2021. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), has been used as the benchmarking standard within Appendix A. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

In addition, within Appendix B the Health and Safety Executive (HSE) publication L148 'Safety in Docks: Approved Code of Practice and Guidance' (ACOP) (HSE, 2014) and the Port Skills and Safety (PSS) publications SIP 005 'Guidance on Mooring' (PSS, 2020) and SIP 014 'Guidance on Safe Access and Egress' (PSS, 2019) have been used. The Appendix tables to this report contain the test questions and evidence, noting down conformity, non-conformity and observational remarks.

2.4 Auditors

The following auditors conducted this audit.




Team Member	Initials	Company, Designation
Monty Smedley	MJS	ABPmer, Principal Maritime Consultant Lead Auditor for Quality Management Systems (QMS ISO 9001) Designated Person (PMSC) Argyll and Bute Council

2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Allan Finlay	AF	Piers and Harbours – Technical Officer
Gavin Walker	GW	Kilcreggan & Helensburgh Pier Master
Julie Hendry	JH	Marine Operations – Admin Officer
Scott Reid	SR	Marine Operations Manager

3 Audit Summary

Number	Key Measures Ten-point 'health check'			
1	Duty Holder	0	2	5
2	Designated Person	0	2	2
3	Legislation	0	0	1
4	Duties and Powers	0	16	26
5	Risk Assessment	4	1	1
6	MSMS	1	4	8
7	Review and Audit	0	1	3
8	Competence	0	9	3
9	Plan	1	0	2
10	Aids to Navigation	0	1	2
Total		6	36	53

The summary presented in the above table identifies that, for the ten-point health-check, Argyll and Bute Council as the marine facility owner and operator of Helensburgh and Kilcreggan Piers is found **not to be fully compliant** with the requirements of the Port Marine Safety Code. The following non-compliances were recorded:

- There are no marine risk assessments for Helensburgh or Kilcreggan Piers.
- There is no documented stakeholder engagement with marine risk assessments.
- The MSMS does not state the expected review frequency for marine risk assessments. The MSMS does state in its Annexes for each port that: *"The Harbour staff will record all incidents/accidents/near misses on the Safety Management System (MarNIS). The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence"*. It can be concluded that marine risk assessments are reviewed after incidents occur, however the MSMS does not state that the risk assessments are updated or re-issued. The MARNIS system provides notification of assessments which are about to expire, based on a default one-year review frequency. Users may set their own review frequency.
- The MSMS does not address dynamic risk assessment [see the GtGP (DfT, 2018) Section 4.4].
- The 'Marine Safety Plan' for the years 2018 to 2020 (the previous plan) has not been assessed and the Organisation's performance against the plan published.
- Whilst A&BC produces a Marine Safety Management System (MSMS) [referenced as version 11, dated May 2020]; there is no Annex for either Helensburgh or Kilcreggan Piers. The MSMS Manual is applicable to marine operations at all locations. The specific processes and procedures relevant to the pier operations at Helensburgh and Kilcreggan are not included within a dedicated Annex as they are for other ports, harbours and piers operated by A&BC.

The PMSC audit identified 36 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. Marine operations and quayside checks were also carried out, 3 observations were identified, the detailed findings being presented in Appendix B. The following points identify the more significant items:

- The A&BC training matrix does not include the Kilcreggan Pier Master or Pier Operatives.
- Incidents are not logged into MARNIS as there is no specific database for Helensburgh or Kilcreggan.

- Helensburgh and Kilcreggan Piers have not received internal audits, it is recommended that internal audits at piers should be factored into the internal audit schedule for A&BC.
- The Kilcreggan Pier webpage on A&BC's website links a third party 'UK Ports and Harbours' page which has out of date contact information.
- There is no contact information for Kilcreggan Pier in the Admiralty List of Radio Signals (ALRS) volume 6. As the pier is permanently staffed, providing contact information would be advantageous.
- The 'Rates on vessels' covers all of A&BC's marine facilities (both statutory and non-statutory). Note 2 of the port-and-harbours-rates page' states that: "All vessels are liable for dues at the Basic Rate". Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities, powers to charge for use of the facility is expected, however powers to levy dues are not available.
- The MSMS contains various sections of national guidance, some of which are generic in nature and not tailored to A&BC's specific circumstances. The MSMS should be fully reviewed to remove extraneous information and provide tailored procedures to each port, harbour and pier.
- It is not clear if the 'policy' within the MSMS has been approved by the Harbour Board and Duty Holder, nor is it clear at what frequency this policy is reviewed. It is recommended that policy is separated from the body of the MSMS manual and presented as a policy pack (or similar).
- There are no formal AtoN on Kilcreggan Pier. The need for Aids to Navigation to mark Kilcreggan Pier should be reviewed.
- At Kilcreggan Pier, during mooring operations head protection was not observed. With heaving lines thrown to the pier, this activity should be subject to a risk assessment to consider if any additional Personal Protective Equipment (PPE) is required.
- At Helensburgh the pier is closed to marine traffic, a Notice to Mariner to this effect has been issued; however, there are no signs apparent to seaward that would convey this message to mariners approaching by vessel.

The following areas of best practice were noted:

- All eight Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended training run on 14 May 2021. The Marine Safety Plan has an objective of 100% attendance on the Duty Holder training course by the completion date of the plan. This is an area of best practice.
- 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.

4 References

Department for Transport (DfT), 2016. Port Marine Safety Code. November 2016.

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

Health and Safety Executive (HSE), 2014. 'Safety in Docks: Approved Code of Practice and Guidance' (ACOP), Publication L148.

ISO 9001: Quality Management Systems. International Organization for Standardization.

Port Skills and Safety (PSS), 2020. Guidance on Mooring, SIP 005. November 2020.
<https://www.portskillsandsafety.co.uk/resources/sip-005-guidance-mooring-operations>

Port Skills and Safety (PSS), 2019. Guidance on Safe Access and Egress, SIP 014. September 2019.
<https://www.portskillsandsafety.co.uk/resources/sip014-guidance-safe-access-and-egress>

4.1 Websites

<http://www.ports.org.uk/port.asp?id=389>

<https://www.argyll-bute.gov.uk/helensburgh-pier>

<https://www.argyll-bute.gov.uk/marine-safety-management-system>

<https://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CIId=567&MIId=14305>

<https://www.argyll-bute.gov.uk/piers-and-harbours-argyll-and-bute>

<https://www.argyll-bute.gov.uk/ports-and-harbours-vessels/ports-and-harbours-rates-vessels>

<https://www.facebook.com/KilcregganFerry>

5 Abbreviations/Acronyms

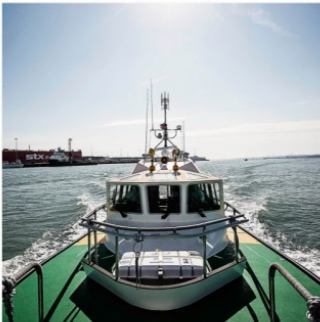
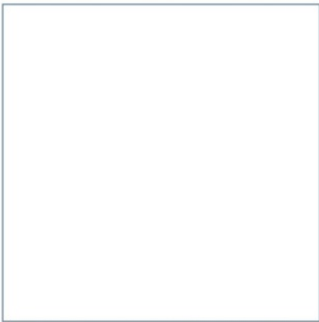
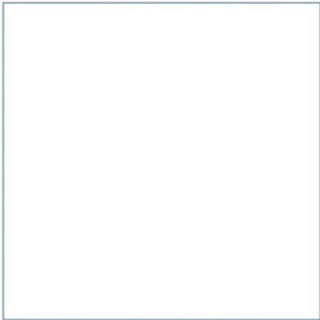
A&BC	Argyll and Bute Council
ACOP	Approved Code of Practice and Guidance
ALRS	Admiralty List of Radio Signals
AtoN	Aids to Navigation
BPA	British Ports Association
CEO	Chief Executive Officer
CERS	Consolidated European Reporting System
CFL	CalMac Ferries Ltd
CHA	Competent Harbour Authority
Code	Port Marine Safety Code
DfT	Department for Transport
DGHAR	Dangerous Goods in Harbour Areas Regulations
DRA	Dynamic Risk Assessment
DSHAR	Dangerous Substances in Harbour Areas Regulations
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice
Hi-viz	High Visibility
HSE	Health and Safety Executive
IMO	International Maritime Organization
ISO	International Organization for Standardization
KPI	key performance indicator
LATON	Local Aids to Navigation
LLA	Local Lighthouse Authority
LPS	Local Port Service
LSE	Lifesaving equipment
MAIB	Marine Accident Investigation Branch
MarNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MSMS	Marine Safety Management System
MV	Motor Vessel / Merchant Vessel
n/a	Not Applicable
NtM	Notices to Mariners
PEC	Pilotage Exemption Certificate
PFSO	Port Facility Security Officer
PFSP	Port Facility Security Plan
PMSC	Port Marine Safety Code
PPE	Personal Protective Equipment
PS	Paddle Steamer
PSS	Port Skills and Safety
QMS	Quality Management Systems
RATSA	Railways and Transportation Safety Act
Regs	Regulations
SAC	Special Areas of Conservation
SHA	Statutory Harbour Authorities
SIP	Safety In Ports
SOSREP	Secretary of State's Representative
SPA	Special Protection Area
SWL	Safe Working Load

UK	United Kingdom
UKHO	UK Hydrographic Office
VHF	Very High Frequency
VTs	Vessel Traffic Service

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

Appendices



Innovative Thinking - Sustainable Solutions

A Detailed Audit Findings

A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation's Duty of Care for users of the harbour, port of facility stated?	Satisfactory – A&BC's Marine Safety Management System (MSMS), version 11, issued in May 2020, states in Section 10 under the heading Conservancy that: <i>"There is a duty to conserve a harbour so that it is reasonably fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for vessels to use"</i> .		MJS_001	MJS
		Are local Acts and Orders identified?	Not applicable – Helensburgh and Kilcreggan Piers are marine facilities and do not have their own local Acts and Orders.		n/a	MJS
		Is the Harbour, Docks and Piers Clauses Act 1847 incorporated into local Acts and Orders?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities.		n/a	MJS
1.6-1.7	The Duty Holder	Has the organisation appointed and confirmed who the Duty Holder is?	Satisfactory – A&BC has assigned the post and accountability of the Duty Holder to the Council's Executive Director of Development and Infrastructure Services. The Harbour Board retains responsibility for providing policy direction to the officers of the Authority. An organisational structure is provided the MSMS, Section 2.1.		MJS_001	MJS
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	Satisfactory – the MSMS, Section 2.2 lists the duties of the Duty Holder. Observation – the role laid out in the MSMS for the Duty Holder does not include all the bullet point requirements listed in the Code (DFT, 2016).	Observation – to ensure a match between the role as laid out in the Code, and the role defined in the MSMS, it is recommended that Section 2.2. is reviewed.	MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.10	The Duty Holder	Does the Duty Holder (Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	Satisfactory – the Harbour Board and Duty Holder receive information from officers of the Authority, presented as technical reports to Board Meetings. Annually the Harbour Board and Duty Holder visit one of the Councils ports, harbours or piers. The last visit was organised in Oban on 24 September 2021. The MSMS is provided on the Council's website making it a simple process to view an up to date copy.		MJS_001	MJS
		Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	Satisfactory – all eight Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended training run on 14 May 2021. The Marine Safety Plan has an objective of 100% attendance on the Duty Holder training course by the completion date of the plan. This is an area of best practice.		MJS_002 MJS_006	MJS
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	Satisfactory – the Duty Holder has appointed ABPmer to provide Designated Person services, with Monty Smedley as the named Designated Person. This contract commenced on 01 November 2021. Observation – the Designated Person's contact details are not available to the harbour community (stakeholders).	Recommendation – the Designated Person's contact details are made available, for example, on the Council's website.	n/a	MJS
		Is the Designated Person's role explained in the MSMS?	Satisfactory – the MSMS, Section 2.5 lists the duties of the Designated Person. Observation – the appointment information in Section 2.5 of the MSMS is not accurate.	Recommendation – the Designated Person's details in the MSMS are updated.	MJS_001	MJS
1.13	Chief Executive Officer (CEO) [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 2.2 lists the responsibilities of the Duty Holder, who is also the Chief Executive. Observation – the MSMS, Section 2.2 does not address the financial and resource role that typically, a Chief Executive would be responsible for providing in respect of a Harbour Authority function.	Recommendation – the role profile in the MSMS is reviewed and wording around 'adequate resources' is included.	MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.13	Cont. Chief Executive Officer (CEO) [or equivalent]]	How is marine safety funded within the organisation?	Satisfactory – funding is identified and agreed through the Council’s approvals process. Officers of the Authority have delegated spending powers within their spending limits. All significant funding decision outside of spending limits come to the Harbour Board, officers of the Authority provide technical input to Harbour Board decisions.		n/a	MJS
1.9, 1.14-1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 2.5 states that: <i>“Harbour Masters and their Assistants will support the Marine Operations Manager to develop the team’s service plans by working in partnership with colleagues (within and out with the service) and by taking personal responsibility for planning how these are delivered effectively and efficiently”</i> . Section 2.5 lists specific duties.		MJS_001	MJS
		Does an officer with responsibilities for marine safety attend Board meetings?	Satisfactory – three times a year, a report is provided by the Executive Director for Roads and Infrastructure; major issues are raised to the Harbour Board. Evidence from the Harbour Board meeting of 02 September 2021 identifies reports including the Marine Asset Management Plan, Oban Bay Harbour Authority Proposal and the Port Marine Safety Code report (which includes a Designated Person Briefing note).		MJS_006 MJS_007 MJS_009 https://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?ClId=567&Mid=14305	MJS
1.16-1.17	The Organisation’s Officers	Does the MSMS provide details of the organisation’s Officers and their responsibilities for marine safety?	Satisfactory – the MSMS, Section 2.3 lists the responsibilities of the Organisation’s Officers (including the Head of Roads and Amenity Services and the Marine Operations Manager). Section 2.4 has a sub-heading for Assistant Harbour Masters. Observation – the role of the Technical Officer(s) for Piers and Harbours could be usefully included within the MSMS.	Recommendation – include the role of the Technical Officer(s) for Piers and Harbours.	MJS_001	MJS

A.2 PMSC Section 2 – Key Measures Needed to Secure Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> MAIB digest / reports MCA health check trends 	Satisfactory – the MCA Health Checks trends was included in the Designated Person's briefing note which was tabled at the 02 September 2021 Harbour Board meeting. Evidence sighted. Information from the MAIB and the BPA in the former of safety circulars are distributed by the Marine Operations Admin Officer. Anecdotal information suggests that relevant information shared with the Pier Operative.		MJS_008 MJS_010	MJS
2.3-2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities.		n/a	MJS
		Are local Acts and Harbour Orders referenced in the MSMS?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities.		n/a	MJS
		Have the Harbour Authority's existing powers been reviewed?	Satisfactory – Helensburgh and Kilcreggan Piers have been considered for inclusion into new Statutory Boundaries proposed as part of a consolidated harbour act. Evidence seen.		MJS_048 MJS_049	MJS
		Is the organisation's jurisdiction mapped and clear?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities.		n/a	MJS
2.7-2.11	Use of formal Risk Assessment	Have risks associated with marine operations been assessed and a means of controlling them deployed?	Non-compliance – there are no marine risk assessments for either Helensburgh or Kilcreggan Piers (an exercise was previously carried out in <i>circa</i> 2014 but records could not be located).	Recommendation – the review and creation of a set of marine risk assessments for each of the Pier facilities.	n/a	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	Satisfactory – the Pier Master for Helensburgh and Kilcreggan has received training in the creation and review of marine risk assessments. Observation – the Pier Master has a read-only view of MARNIS. Anything that needs logging must be passed to the Marine Operations Admin Officer.	Recommendation – consider how staff with read-only access are able to maintain skills following marine risk assessment training.	n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7-2.11	Cont. Use of formal Risk Assessment	Are stakeholders included in marine risk review/assessments?	Non-compliance – there is no documented stakeholder engagement on marine risk assessments.	Recommendation – marine risk assessment should be consulted upon with pier users and other relevant stakeholders.	n/a	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	Non-compliance – the MSMS does not state the expected review frequency for marine risk assessments. The MSMS does state in its Annexes for each port that: <i>“The Harbour staff will record all incidents/accidents/near misses on the Safety Management System (MarNIS). The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence”</i> . It can be concluded that marine risk assessments are therefore reviewed after incidents occur, however it does not state that the risk assessment is updated or re-issued, nor is any review frequency given. The MARNIS system provides notification of assessments which are about to expire, based on a standard one-year review frequency. Users may set their own review frequency.	Recommendation – the Harbour Authority expectation for frequency of risk assessment review is positively stated in the MSMS for the avoidance of doubt, for example: Marine Risk Assessment must be reviewed annually and following an accident or incident that changes the specifics of an existing risk assessment.	MJS_001	MJS
		Is a system of Dynamic Risk Assessment used?	Non-compliance – the MSMS does not address the expectations of the Harbour Authority in respect to DRA.	Recommendation – the approach to Dynamic Risk Assessment is defined for pier staff.	MJS_001	MJS
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	Non-compliance – whilst A&BC produces a Marine Safety Management System (MSMS) [referenced as version 11, dated May 2020]; there is no Annex for either Helensburgh or Kilcreggan Piers. As a Statutory Harbour Authority and Marine Facility owner/operator, the MSMS Manual is applicable to marine operations at all locations. The specific processes and procedures relevant to the pier operations at Helensburgh and Kilcreggan are not included within a dedicated Annex as they are for other ports, harbours and piers operated by A&BC.	Recommendation – ensure that marine operations for Helensburgh and Kilcreggan Piers are included in the MSMS.	MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.15	MSMS standards and KPIs	Does the MSMS detail KPIs and/or make a statement about performance in the organisation's annual report?	<p>Satisfactory – A&BC's key performance indicators for ports and harbours are identified in the 'Marine Safety Plan' as specific objectives with measurable outcomes.</p> <p>Observation – the MSMS does not address port and harbour KPIs.</p>	<p>Recommendation – a section on KPIs should be included within the MSMS, with reference to the expectations of internal business processes and the 'Marine Safety Plan'.</p>	MJS_001 MJS_002	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for safety/conservancy matters?	Satisfactory – the MSMS, Section 2 'Key Personnel and Responsibilities' assigns responsibility for safety and conservancy to key post holders in the Harbour Authority. Section 3.1 of the MSMS includes the Kilcreggan Pier Master and Pier Operative within the line diagram.		MJS_001	MJS
2.17	MSMS Consultation	Are forum/consultation meetings held?	<p>Satisfactory – the MSMS Section 4 addresses 'Consultation', with sections on consultation policy, statutory consultation and consultation with interested parties. Locally, the Cove and Kilcreggan Community Council meetings are held (every second Tuesday of the month) at which Pier Master is invited to attend. The Kilcreggan Ferry User Group also meets to discuss the ferry travel and harbour developments, the Pier Master is an invitee to this group.</p> <p>Observation – consultation is not detailed in the MSMS.</p>	<p>Recommendation – a section on consultation is added to the MSMS documenting Kilcreggan and Helensburgh engagement.</p>	MJS_001 https://www.facebook.com/KilcregganFerry	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	Satisfactory – a training matrix is provided for the Harbour Authority, this identifies the Essential, Required, Advantageous and Not Required training. Helensburgh is unmanned but is periodically visited by Pier staff from Kilcreggan. The Pier Master is included in the training certification record which identifies that the following qualifications are held: VHF Operator, Oil Spill 4P, Marine Risk Assessment, First Aid, PFSO, PMSC Internal Auditor, Counter Terrorism Awareness and Responsible Person (training). Plus e-learning modules from LEON.		MJS_001 MJS_014 MJS_015	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.18	Cont. Competence standards	Are personnel qualified and trained for their marine safety role?	<p>Observation – the training matrix does not include the Kilcreggan Pier Master or Pier Operatives.</p> <p>Observation – it is not clear what the terms 'Essential' and 'Required' mean on the matrix.</p> <p>Observation – the training matrix identifies roles and named individuals. As the matrix is a list of training against specific job roles, the names of individual post-holders are not necessary.</p> <p>Observation – the MSMS, section 6.3 states that: "The ARGYLL & BUTE HARBOUR BOARD will maintain a training matrix for all staff and the respective line managers are responsible for keeping it up-to-date". The training matrix is maintained by the Marine Operations Admin Officer, with notification of training completed provided by the Pier Master.</p>	<p>Recommendation – review the matrix to ensure it includes the Kilcreggan Pier Master and Pier Operative roles.</p> <p>Recommendation – provide definitions for the terms used on the matrix.</p> <p>Recommendation – the removal of names from the Harbour Authority's training matrix (note: training records do require individual named employees).</p> <p>Recommendation – review the wording of the MSMS Section 6.3 and updated to the current process.</p>	MJS_001 MJS_014 MJS_015	MJS
		Is there a policy on revalidation or maintenance of qualifications in place?	<p>Satisfactory – the MSMS, Section 6.1 is titled 'Argyll and Bute Council Training Policy'. The bullet pointed items in the training policy are considered to be comprehensive.</p> <p>Observation – it is not clear if the 'policy' within the MSMS has been approved by the Harbour Board and Duty Holder, nor is it clear at what frequency this policy is reviewed.</p>	<p>Recommendation – the policy is separated from the body of the MSMS manual and presented as part of a policy pack.</p>	MJS_001	MJS
		Is there a list of the organisation's staff, training received, qualifications held and/or experience required for their role?	<p>Satisfactory – the Marine Operations Admin Officer maintains a central record of training. The sheet contains two worksheets (tabs), the first documents training records and the second documents the role requirements. Individual staff are identified with dates of training and certification held in day/month/year format. The Pier Master maintains a local copy of certification.</p>		MJS_001 MJS_014 MJS_015 MJS_019	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.18	Cont. Competence standards	Is there a list of the organisation's staff, training received, qualifications held and/or experience required for their role?	<p>Observation – it is not clear if the 'role requirement' tab in the Training Record spreadsheet is current or has been superseded by the separate spreadsheet 'Harbour Training Matrix 2021'.</p> <p>Observation – the training records worksheet (tab) indicates the date of attendance on courses, qualifications expiring are shown in red.</p> <p>Observation – the layout of the 'Training Records' could be improved by adopting the same or similar list as used in the matrix. This would allow for an easier comparison.</p> <p>Observation – the training records worksheet (would appear) to document Harbour Masters and Assistant Harbour Masters, plus the Marine Operations Admin Officer. Other personnel are not included.</p>	<p>Recommendation – any redundant information or tabs are removed. One version of the matrix prevents ambiguity.</p> <p>Recommendation – the addition of an attendance and expiry dates (as two columns) to clarify information.</p> <p>Recommendation – organising the training record sheet to match the training matrix course list.</p> <p>Recommendation – the Harbour Authority considers how it wishes to maintain staff training records. Evidence suggests that some roles are monitored centrally (for example, Harbour Masters) with Pier/Marina Operatives monitored at a local level.</p>	MJS_001 MJS_014 MJS_015 MJS_019	MJS
2.19-2.22	Incident reporting and investigation	Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> ▪ reporting ▪ recording of incidents ▪ investigation enforcement (if relevant). 	<p>Satisfactory – the MSMS Section 3.6 details the process to follow should an incident occur, this addresses reporting. The MSMS Section 9.2, 9.3, 9.6 and 9.7 details incident procedures and investigation. Incidents at Helensburgh and Kilcreggan include:</p> <p>Helensburgh:</p> <ul style="list-style-type: none"> ▪ 2021: Two drowning fatalities. ▪ ongoing: Lifesaving equipment damage. <p>Kilcreggan:</p> <ul style="list-style-type: none"> ▪ 1980s: Vehicle driven down the pier and into the water, resulting in the death of the driver. ▪ Various: Small yachts, requesting port of refuge assistance. ▪ 2021: contact damage caused by the Paddle Steamer (PS) <i>Waverly</i> whilst alongside. 		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.19-2.22	Cont. Incident reporting and investigation	Cont. Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> ▪ reporting ▪ recording of incidents ▪ investigation ▪ enforcement (if relevant). 	Observation – incidents are not logged into MARNIS as there is no specific database for Helensburgh or Kilcreggan.	Recommendation – databases are created for Helensburgh and Kilcreggan.	MJS_001	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	Satisfactory – the MSMS Section 9.8 details actions to be taken in the event of death or crime. With the removal of the local police officer, the method used to obtain police support is to call 101 or 999. There is however, good communications with Boarder Force who have visited the Pier Master to provide a point of contact.		MJS_001	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	Not applicable – there has been no incident investigations at Helensburgh or Kilcreggan Piers requiring publication.		n/a	MJS
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	Satisfactory – the MSMS Section 9.10 details statutory reporting requirements, including the Marine Guidance Note (MGN) 564 'Incident reporting and investigation'.		MJS_001	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	Satisfactory – the last external audit of the MSMS was conducted in October 2018 at: Campbeltown, Oban, Port Beag, Cuan Ferry Slip and Easdale Ferry. This meets the expectation of the GtGP for an external audit every three years. Observation – Helensburgh nor Kilcreggan Piers have not received internal audits.	Recommendation – internal audits at Piers should be factored into the internal audit schedule for A&BC.	MJS_020 MJS_021 MJS_022	MJS
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	Satisfactory – the MSMS Section 9.12 provides the enforcement procedure. As Helensburgh and Kilcreggan Piers are not SHAs, there are no enforcement powers.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.25	Cont. Enforcement	Is there a policy on enforcement and prosecution in place?	Satisfactory – the MSMS, Section 9.11 is titled 'Enforcement Policy'. Observation – it is not clear if the 'policy' within the MSMS has been approved by the Harbour Board and Duty Holder, nor is it clear at what frequency this policy is reviewed.	Recommendation – the policy is separated from the body of the MSMS manual and presented as part of a policy pack.	MJS_001	MJS
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	Satisfactory – this requirement is evidence through the publication of PMSC policy and plans on the Council's website.		https://www.argyll-bute.gov.uk/marine-safety-management-system	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	Non-compliance – the 'Marine Safety Plan' for the years 2018 to 2020 (the previous plan) has not been assessed and the Organisation's performance published.	Recommendation – a review of the previous plan for the years 2018 to 2020 is assessed and published.	n/a	MJS
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	Satisfactory – a signed and issued 'Marine Safety Plan' approved by the Harbour Board on 04 March 2021 is hosted on the Council's website. The plan covers the years 2021 to 2023.		MJS_002	MJS
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users and service providers about safe navigation?	See response in this Audit report, Section 2.17 on Consultation.		n/a	MJS
2.30-2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	Satisfactory – the Council wrote to the MCA to confirm its current state of compliance with the Code. Letter evidenced.		MJS_023	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations with its jurisdiction comply with the requirements of the Code?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities and therefore have no jurisdictional area.		n/a	MJS

A.3 PMSC Section 3 – General Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1-3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	Satisfactory – a commitment to 'safe and efficient' port operations is made in the MSMS within the hydrographic policy and within individual port, harbour and Pier Annexes. Checking of the pier and breakwater is part of the pier asset inspection regime. A&BC also issue Notices to Mariners (NtM) for any works or marine notification related to either Helensburgh or Kilcreggan Piers.		MJS_001 MJS_003	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty?	Not applicable – Helensburgh and Kilcreggan Piers are marine facilities owned by A&BC, they are not subject to Open Port Duty. 'Piers and Harbours Rates (vessels)' charges are advertised on the Council's website.		https://www.argyll-bute.gov.uk/ports-and-harbours-vessels/ports-and-harbours-rates-vessels	MJS
3.6-3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> ▪ Survey as regularly as necessary ▪ Place navigation marks in optimum positions ▪ Keep 'vigilant watch' for any sea bed changes ▪ Keep hydrographic records ▪ Ensure hydrographic information is published ▪ Update UKHO with chart information. 	Satisfactory – the MSMS, Section 10, details the Harbour Authority's approach to conservancy. This includes conservancy duty, hydrographic survey policy, dredging, Aids to Navigation (AtoN), wreck removal, dangerous vessels and licensing marine works. The last bathymetric survey at Helensburgh was conducted on 02 July 2019 and the last bathymetric survey at Kilcreggan was conducted on 03 July 2019. Information was passed by the survey contractor to UKHO. Evidence sighted. It should be noted, that the provision of hydrographic survey for Helensburgh and Kilcreggan Piers is provided as a duty of care to port users as a marine facility owner; and for operational reasons to monitor depth for the ferry services. Provision of bathymetric survey for an area which is not a Statutory Harbour Authority is considered to be a best practice approach .		MJS_001 MJS_046 MJS_047	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	Satisfactory – a bilateral agreement between A&BC and the UKHO is in place, dated 17 March 2017.		MJS_026	MJS
GtGP 1.9.11, 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	Satisfactory – Helensburgh and Kilcreggan Piers are not SHAs, any marine works will require a Marine Licence from Marine Scotland. A NtM is issued for all works that are notifiable to mariners.		MJS_003	MJS
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> ▪ Nature conservation Section 48A of Harbours Act 1964 ▪ Obligations for SPA, SACs under Habitat Regs. ▪ Compliance with 'Nature Conservation (Scotland) Act 2004' 	<p>Satisfactory – the MSMS, Section 11 is titled 'Environmental Policy' and Section 11.1.1 which provides four bullet points on plans, procedures and policies. Information regarding Helensburgh and Kilcreggan Piers and its local habitat is contained in the Oil Pollution Response plan.</p> <p>Observation – the environmental policy lacks detail on how the obligations of the Harbour Authority under national legislation is delivered.</p> <p>Observation – practical measures for applying the policy (in terms of procedures) are not evident from the MSMS.</p> <p>Observation – training for staff on environmental duties and associated policy and procedures is not in place.</p>	<p>Recommendation – the policy is separated from the body of the MSMS manual and presented as part of a policy pack with improved information linking to obligations under national legislation.</p> <p>Recommendation – develop procedures and link to staff training to implement environmental policy.</p> <p>Recommendation – development of a standardised environmental training delivery for port, harbour, and pier employees.</p>	MJS_001 MJS_030 MJS_031	MJS
3.9	Civil Contingency Duty	Does the MSMS include reference to the Harbour Authority's obligations as a Category 2 responder?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities and therefore are not Category 2 responders under the Civil Contingencies Act.		MJS_038	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	Satisfactory – an Oil Pollution Response Plan is in place, which was approved by the MCA on 04 December 2018 and is valid until the 27 November 2023. Given the size of Helensburgh and Kilcreggan Piers, this is recognised as an area of best practice.		MJS_027 MJS_032	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 6.2.4, 6.5	Cont. Emergency Planning / Pollution control	Does the port/harbour carry out emergency plan exercises?	Satisfactory – the Harbour Authority carries out exercises (as a Group function). The Pier Master (Kilcreggan) attended 4P Training course on 12 March 2020. There is oil pollution response equipment held on site at Kilcreggan, for Helensburgh the equipment is stored less than a mile away (at Blackhill). Observation – there have been no training exercise for oil pollution response at Helensburgh or Kilcreggan using the Pier Master and Pier Operatives.	Recommendation – the scheduled exercise (actual, or table top) for Oil Pollution response specific to Helensburgh or Kilcreggan Piers.	n/a	MJS
3.10-3.11	Harbour Authority Powers and review	Has the Harbour Authority reviewed its powers?	See the audit report response in Section 2.3 – 2.6.		n/a	MJS
3.12-3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities.		n/a	MJS

A.4 PMSC Section 4 – Specific Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	<p>Satisfactory – a job description for the role of Pier Master at Kilcreggan is held on file by the Council, dated 31 January 2007</p> <p>Observation – the job description does not identify duties associated with Helensburgh Pier.</p>	<p>Recommendation – the job description is reviewed to ensure it is specific to the role at Kilcreggan and Helensburgh Piers.</p>	MJS_050	MJS
4.3-4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities and therefore do not have powers to issue byelaws as SHAs.		n/a	MJS
		Date of last byelaw review?	Not applicable – no issued Byelaws.		n/a	MJS
4.6-4.7	Special Directions	Are the Harbour Master's powers of Direction shown in the MSMS, how is delegation identified?	Not applicable – the Pier Master does not have powers to issue Directions.		n/a	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities and therefore do not have powers to issue General Directions.		n/a	MJS
		When were General Directions last reviewed?	Not applicable – no issued General Directions.		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	Not applicable – no issued Harbour Directions.		n/a	MJS
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	<p>Satisfactory – the Pier Master can stop a dangerous vessel from using the A&BC owned facility (as the representative of the asset owner) but is not able to use powers under the Dangerous Vessels Act 1985.</p> <p>Observation – information relating to the expected action for the Pier Master in respect of a dangerous vessel should be laid out as a procedure.</p>	<p>Recommendation – the creation of a Standard Operating Procedure based around actions a Pier or Harbour Master should take in respect of a dangerous vessel.</p>	n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. 4.10 GtGP 6.4	Cont. Dangerous Vessels	Is the role of the Secretary of State's Representative (SOSREP) acknowledged?	Satisfactory – the 'Secretary of State' overruling the Harbour Master's direction is acknowledged in the MSMS, Section 5.1.3.4 Observation – the term SOSREP is not included in the MSMS.	Recommendation – the term SOSREP should be included with an explanation of the role and how this operates in the UK.	MJS_001	MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous goods/substances?	Satisfactory – the declaration of dangerous goods and substances is detailed in the MSMS, Section 5.1.3.6. The Council's website contains reporting forms for the declaration of dangerous goods. Observation – the MSMS states that: " <i>Dangerous Substances in Harbour Areas Regulations (DSHAR) 2016</i> ". The current regulations are the 'The Dangerous Goods in Harbour Areas Regulations 2016 (DGHAR)'.	Recommendation – updating the MSMS to the latest regulation and acronym.	MJS_001 MJS_042 MJS_043	MJS
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities.		n/a	MJS
		Is vessel traffic monitoring information passed to the MCA by the quickest means?	Not applicable – the piers are not used by any vessels requiring CERS reporting.		n/a	MJS
		Has the need for VTS/LPS been reviewed recently?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities.		n/a	MJS
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	Satisfactory – the MSMS references the Railways and Transportation Safety Act (RATSA) 2003. The MSMS, Section 9.8 also references actions to take if a crime has been committed. Observation – there is no specific instruction on the actions to take if a professional mariner is suspected of a drink or drugs offence when on duty.	Recommendation – the creation of a procedure to inform the Authority's officers of their expected action for a drink or drugs offence under the RATSA 2003.	MJS_001	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Has the requirement for pilotage been reviewed?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced to in the MSMS?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement international regulations on the training and certification for pilots from IMO resolution A960?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.15-4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Are the requirements equivalent to those for an authorised pilot?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 8.7.15-8.8.10	Port Passage Plan	Is there a published passage plan, or information allowing mariners to create a passage plan?	<p>Satisfactory – both Helensburgh and Kilcreggan Piers are identified on the Council's website.</p> <p>Observation – the webpage for Helensburgh states that: "Vessels should contact the Harbour Master in advance to establish availability and directions on berthing". The NtM number 01/18 titled 'Helensburgh Pier Temporary Closure' informs users the pier is close to vessel traffic.</p> <p>Observation – the Kilcreggan Pier webpage links a third party 'UK Ports and Harbours' page which has out of date contact information: http://www.ports.org.uk/port.asp?id=389</p>	<p>Recommendation – updating the webpage berthing arrangement with information from NtM 01/18.</p> <p>Recommendation – a dedicated webpage for Kilcreggan Pier is created (as used for other A&BC Ports, Harbour and Piers).</p>	MJS_003 https://www.argyll-bute.gov.uk/piers-and-harbours-argyll-and-bute https://www.argyll-bute.gov.uk/helensburgh-pier	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 8.7.15-8.8.10	Cont. Port Passage Plan	Is there a published passage plan, or information allowing mariners to create a passage plan?	Observation – there is no contact information for Kilcreggan Pier in the Admiralty List of Radio Signals (ALRS) volume 6. As the pier is permanently staffed, providing contact information would be advantageous.	Recommendation – contacting UKHO to request inclusion of Kilcreggan Pier contact details into ALRS Volume 6.	MJS_003	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	Not applicable – not considered relevant at this time. Helensburgh is not in use for vessel berthing and Kilcreggan Pier is a dedicated ferry berth.		n/a	MJS
4.17-4.20	Collecting Dues	Are dues clearly defined?	Satisfactory – A&BC publish a ‘Rates on vessels’. The process for setting charges uses a benchmarking exercise with other local ports. Charges are increased at the rate of inflation. Observation – the ‘Rates on vessels’ covers all of A&BC’s marine facilities (both statutory and non-statutory). Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities, powers to charge dues are not available. A charge to use the marine facilities is expected, however the term ‘dues’ is inaccurate. Note 2 of the port-and-harbours-rates page states that: “All vessels are liable for dues at the Basic Rate”.	Recommendation – that wording is revised on the webpage to ensure that ‘dues’, as a charge, is not inaccurately stated.	https://www.argyll-bute.gov.uk/ports-and-harbours-vessels/ports-and-harbours-rates-vessels	MJS
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	Satisfactory – as the Local Lighthouse Authority (LLA) the following Aids to Navigation are maintained: <ul style="list-style-type: none"> ▪ Helensburgh Pier has 2 fixed green vertical aids (Category 3). ▪ Kilcreggan Pier has no formal navigation aids. Checking of the AtoN forms part of the pier asset inspection regime. Observation – there are no formal AtoN on Kilcreggan Pier.	Recommendation – the need for Aids to Navigation to mark Kilcreggan Pier should be reviewed.	MJS_045	MJS
4.24	GLA returns	Are returns made to the GLA?	Satisfactory – the LATON three-year return for A&BC identifies the availability return values as: <ul style="list-style-type: none"> ▪ Cat 2 = 99.6% (target is 99%) ▪ Cat 3 = 100% (target is 97%) 		MJS_044	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.25-4.32	Wrecks, Abandoned or unseaworthy vessels	Does the MSMS refer to powers for dealing with wrecks?	Satisfactory – the MSMS addresses wrecks within the Conservancy section and with respect to marking of wrecks. There is no history of wrecks, derelict, or abandoned vessels in the harbour. Observation – the MSMS does not contain specific information on dealing with wrecks, derelict, or abandoned vessels.	Recommendation – the topic of wrecks, derelict and abandoned vessels is covered by a Harbour Authority procedure.	MJS_001	MJS
GtGP 9.4.17-9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	Not applicable – Helensburgh and Kilcreggan Piers are not Competent Harbour Authorities and therefore has no requirement to operate a pilot boat.		n/a	MJS
GtGP 10.0	Towage Operations	Does the organisation produce towage guidelines?	Satisfactory – the MSMS, Section 13.1.1.6 addresses towage. Observation – the section on towage addresses Campbeltown only. There is no comment on towage (either routine or non-routine) at other A&BC ports, harbours, or piers.	Recommendation – drafting of appropriate towage guidelines for all A&BC ports, harbours, or piers.	MJS_001	MJS
		Is there a process for approving towage providers?	Not applicable – there are no towage providers using the piers.		n/a	MJS
		Are non-routine tows pre-approved / managed by the organisation?	Satisfactory – the MSMS, Section 13.1.1.6 addresses towage.		MJS_001	MJS
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Not applicable – there are no known powers to licence tugs.		n/a	MJS
GtGP 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	Satisfactory – the MSMS, Section 13.1.1.7 addresses commercial diving in the harbour. A 'Permission to Dive Permit' for Kilcreggan Pier Inspection on 31 July 2018 evidenced.		MJS_001 MJS_004 MJS_005	MJS
GtGP 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Not applicable – Helensburgh and Kilcreggan Piers are not Statutory Harbour Authorities, therefore control of recreational diving cannot be exercised.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	Satisfactory – the MSMS, Section 13.1.1.2 under 'Mooring Operations' states that: "Where appropriate permission to undertake Hot Work is required for any burning, welding, flame cutting, heating by blow torch and brazing, when it is being done outside the engine room of a vessel. All hot work activities carried out by third parties and other contractors in the port is controlled by a "Hot Work Permit". As hot works are not carried out at Helensburgh or Kilcreggan, there is no history of using the 'Hot Work Permit'.		MJS_001	MJS
GtGP 6.7.3	Bunkering	Is there a process for managing Bunkering?	Satisfactory – the MSMS, Section 13.1.1.4 states that: "Bunkering may take place within Harbour areas with approval of the Harbour Master or his/her Assistant and Bunkering Operations will follow an Approved Bunkering Procedure provided by the Bunker Fuel Supplier". The Pier Master stated that bunkering does not occur at Kilcreggan.		MJS_001	MJS
GtGP 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	Satisfactory – the MSMS, Section 13.1.1.5 has a detailed section on the expectations for Boat Licensing. Any works are associated with A&BC contracted services and would be pre-notified to the Pier Master (anecdotal information).		anecdotal information	MJS

B Quayside and Mooring

Visual inspection of Helensburgh Pier and Kilcreggan Pier. Both inspections included the layout of the piers, their berthing, mooring and life-saving appliances provide. The pier inspections were undertaken on Wednesday 22 September 2021.

B.1 Quayside Observations: Helensburgh Pier and Slipways

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	Satisfactory – access to the slipways was clear of debris and obstructions. One slipway was adjacent to civil engineering works, meaning that its access was temporarily unavailable. The Pier area was clear of debris and obstructions and arranged as a pedestrian walkway.		MJS
		Disabled access for passengers or leisure users?	Satisfactory – pedestrian access is self-managed. Metal access steps from the sea had been removed to prevent use. Pier head access steps were behind a barrier to prevent use. Observation – the pier is closed to marine traffic, a Notice to Mariner to this effect has been issued; however, there are no signs apparent to seaward that would convey this message.	Recommendation – the installation of a sign, positioned to inform vessel Masters and crew approaching from seaward, that the pier is closed to marine traffic.	MJS
		Is the type and condition of quayside surface appropriate to the operation?	Satisfactory – the pier decking is appropriate for pedestrian use. Grill decking has been fitted to allow wave penetration and dissipation of wave energy at the seaward end of the pier.		MJS
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	Satisfactory – the slipway has stone steps; the pier head has water access ladders with hand grabs fitted.		MJS
		Is there appropriate LSE at quay edge?	Satisfactory – the pier has lifebelts and recovery ropes fitted. All life rings were in place at the time of inspection (one life ring had been recently re-fitted).		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	Satisfactory – mooring bollards are provided along the edge of the pier, and around the pier head. The pier is no longer used for vessel mooring. Observation – should the pier be used for mooring in the future, the bollards should be inspected, painted, numbered and their SWL ascertained. See image B1.	Recommendation – if the pier is used for mooring in the future, mooring fixtures must be inspected and maintained.	MJS
		Are the bollards numbered?	Not applicable – Helensburgh pier is not used by vessel traffic, bollards not in use.		MJS
		Are the bollards labelled with a Safe Working Load (SWL)?	Not applicable – Helensburgh pier is not used by vessel traffic, bollards not in use.		MJS
		Are the bollards appropriate to the vessel being handled?	Not applicable – Helensburgh pier is not used by vessel traffic, bollards not in use.		MJS
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	Satisfactory – wooden vertical fendering sections are installed on the jetty head.		MJS
		Is the condition of the fendering in good order?	Satisfactory – wooden vertical fendering appeared to be in good condition.		MJS
		Are chaffing plates used on the Pier edge?	Satisfactory – wooden pier edge timber is used as a base to fix the pedestrian railings.		MJS
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docks' and the PFSP?	Satisfactory – lighting installed along the length of the pier and appeared adequate for the intended purposes.		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	Satisfactory – a full length of the pier, including the pier head is pedestrianised.		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	Satisfactory – signage provided along the pier.		MJS



Image B1. Helensburgh Pier, mooring bollard



Image B2. Helensburgh Pier, derelict decking section

B.2 Quayside Observations: Kilcreggan Pier

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	Satisfactory – access to the pier was clear, walkways were segregated (access and egress) with clear pedestrian information and fenced areas.		MJS
		Disabled access for passengers or leisure users?	Satisfactory – the pier provides for disabled access along its length. Pier Operatives assist passenger boarding.		MJS
		Is the type and condition of quayside surface appropriate to the operation?	Satisfactory – the pier surface and condition appear in good order. The Pier Operative provided clear and timely instructions to passengers regarding embarkation and disembarkation from the ferry.		MJS
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	Satisfactory – the pier had an access ladder at the pier head which is fitted with grab handle holds.		MJS
		Is there appropriate LSE at quay edge?	Satisfactory – the pier had lifesaving equipment along its length.		MJS
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	Satisfactory – mooring points used by the ferry were observed to be the upright pier supports (designed for this purpose) plus stag-horn bollards which were noted to be in good condition.		MJS
		Are the bollards numbered?	Satisfactory – mooring points are not numbered; this is not considered necessary given the size of the pier and the typical mooring configuration used.		MJS
		Are the bollards labelled with a SWL?	Satisfactory – mooring staghorns have information plates with SWL shown.		MJS
		Are the bollards appropriate to the vessel being handled?	Satisfactory – mooring bollards and pier upright supports are considered, in the opinion of the auditor, to be more than adequate for the size of vessel being handled.		MJS
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	Satisfactory – fendering is fitted to the pier outer-face upright supports, two rubber D-Section on each fender pile at the head of the pier.		MJS
		Is the condition of the fendering in good order?	Satisfactory – fendering appeared to be in very good condition. Replacements were made following the <i>PS Waverley</i> incident in 2021.		MJS
		Are chaffing plates used on the Pier edge?	Satisfactory – wooden pier capping fitted around the perimeter of the berthing face.		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docks' and the PFSP?	Satisfactory – ample lighting installed, with points along the pier.		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	Satisfactory – pedestrians wait at the dedicated pier building making the distance to the boarding point as short as possible. The pier buildings have been newly refurbished. The layout and maintenance of the Kilcreggan Pier is considered to be an area of best practice .		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	Satisfactory – pier signage evident at the root of the pier prohibiting vehicle access, fishing and cycling.		MJS

B.3 Mooring Operations

Observation of procedures, equipment and Personal Protective Equipment (PPE) for the mooring and unmooring of the Motor Vessel (MV) *Chieftain* during the period of 15:00 to 16:00 hr on Wednesday 22 September 2021.

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
GtGP 10.6.1 ACOP 42 SIP 005	Communication	Is there direct communication between ship and shore personnel?	Satisfactory – vessel Master observed the Pier Operative and instructed the deck hand to provide lines ashore.		MJS
		Is communication controlled via a supervisor?	Satisfactory – vessel Master provides instruction and direction to the crew.		MJS
		Is there adequate communication with mooring launch?	Not applicable – mooring launch not used.		MJS
		Are hand signals used and appropriate?	Not applicable – no shore signals observed.		MJS
GtGP 11.7 SIP 005	Planning	Toolbox talk or equivalent conducted?	Not applicable – not observed at time of visit.		MJS
		Are mooring personnel ready by an appropriate time?	Satisfactory – shore personnel were present in ample time to take the vessel's lines.		MJS
		Is the mooring operation planned?	Satisfactory – Pier Operative takes the vessel's lines on a well-practiced routine.		MJS
		Is the mooring pattern appropriate to the quay/vessel and weather conditions?	Satisfactory – the mooring pattern, in the opinion of the auditor, is appropriate to the vessel and the berth.		MJS
GtGP 10.6 SIP 005	Use of other craft	Do tugs remain clear of mooring lines?	Not applicable – no tugs used.		MJS
		Is a mooring launched used?	Not applicable – mooring launch not used.		MJS
SIP 005	Self-mooring	Does the vessel self-moor?	Satisfactory – Pier Operative (ashore) takes the vessel's lines, self-mooring is not used.		MJS
SIP 005	Line handling	Are mooring lines kept clear of fenders?	Satisfactory – Pier Operative places lines on the upright pier supports, fendering is not fouled. At mid to low tide, a lower embarkation point is available. The observation was carried out at high water and did not observe lower tidal states.		MJS
		Do mooring personnel appear to be aware of snap-back zones?	Satisfactory – Pier Operative (ashore) stood in an appropriate location to take and handle lines.		MJS
		Do mooring personnel avoid stepping over lines or standing between lines and quay edge?	Not applicable – not relevant given the mooring pattern.		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
Cont. SIP 005	Cont. Line handling	Are multiple lines 'dipped' on bollards?	Not applicable – not observed.		MJS
		Are messenger lines thrown appropriately?	Satisfactory – messenger lines were thrown in a considered manner by the vessel's crew.		MJS
		Are mooring personnel 'backed-up' on heavy lines?	Not applicable – not observed.		MJS
		Do mooring personnel release heavy lines appropriately?	Not applicable – not observed.		MJS
		Mooring personnel using appropriate handling?	Not applicable – not observed.		MJS
		Are heaving lines weighted?	Satisfactory – appropriate heaving line seen (i.e., not dangerously weighted).		MJS
SIP 005	Use of equipment	Is the SWL of bollards appropriate to the load being placed on?	Satisfactory – mooring points are appropriate for use by the vessel seen.		MJS
		Are mooring lines used at an appropriate angle for the infrastructure?	Satisfactory – the mooring pattern for the vessel alongside the pier was appropriate.		MJS
		Are mooring lines maintained at an appropriate length throughout the operation?	Satisfactory – the mooring line length was appropriate for the vessel, the <i>MV Chieftain</i> did not stay alongside the pier for very long, due to the wave conditions on the day.		MJS
ACOP 58-67 SIP 014	Operational control	Is there concurrent activity alongside the mooring operation?	Not applicable – there is no concurrent activity (single user berth).		MJS
		Are non-mooring personnel kept separate from the operation?	Satisfactory – areas of activity between the Pier Operative, CFL vessel crew and pedestrians maintained with an appropriate degree of separation.		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
GtGP 11.4 SIP 005	Personnel and equipment	Are mooring personnel wearing appropriate PPE?	<p>Satisfactory – all personnel observed working along the quay were wearing appropriate PPE, including safety footwear, buoyancy waist coat, high visibility (hi-viz) jacket and trousers. In addition, foul weather gear and an auto inflation lifejacket were available to pier staff.</p> <p>Observation – during mooring operations head protection was not observed, with heaving lines thrown to the pier, this activity should be subject to a risk assessment.</p>	<p>Recommendation – the risk assessment for Pier Operative mooring operations is reviewed to consider if any additional PPE is required.</p>	MJS
Cont. GtGP 11.4 SIP 005	Cont. Personnel and equipment	Are shore side mooring lines in good condition?	Not applicable – lines deployed at the pier were vessel's own lines.		MJS
		Is adequate manning provided for the handling of lines and means of access?	Satisfactory – manning levels for mooring and passenger management is adequate.		MJS
		Is any additional mooring equipment used appropriate and in good working order?	Satisfactory – all mooring equipment observed was in good working order and well maintained.		MJS

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