

PORT MARINE SAFETY CODE

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides an update on progress being made towards compliance with the Port Marine Safety Code (PMSC).
- 1.2 The PMSC represents ‘good practice’ as recognised by a wide range of industry stakeholders and a list of compliant ports is published every 3 years. It is officers ambition for Argyll and Bute Council to be included in the next edition of the list which will be compiled next year for publication in 2025.
- 1.3 The PMSC uses ten key measures as a baseline with which to rate compliance and this is assessed by the Council’s Designated Person whose primary role is to provide independent assurance regarding the operation of the Marine Safety Management System.
- 1.4 In 2022 Assurance Audits were carried out at the following locations:
06 September 2022: Oban.
29 September 2022: Craginure.
29 September 2022: Bunessan.
29 September 2022: Fionnphort.
29 September 2022: Iona.
- 1.5 The next scheduled external Assurance Audits by the Designated Person are planned for September 2023 in Rothesay and Islay.
- 1.6 Internal Audits are planned to aid in the preparations for the External Assurance Audit by the DP.
- 1.7 The Designated Person held Duty Holder training for Members of the Harbour Board on 5th September 2022.

Members of the Harbour Board are asked to:

- Note and consider this report;
- Note and consider the Designated Person’s Annual Report (appendix A);

- Approve the new version (Volume I) of the Marine Safety Management System (appendix B); and
- Note and consider the Marine Safety Plan update (appendix C).

PORT MARINE SAFETY CODE

2.0 INTRODUCTION

- 2.1 This report provides an update on progress being made towards compliance with the Port Marine Safety Code (PMSC)
- 2.2 The PMSC (the code) sets out a national standard for every aspect of port marine safety and identifies ten key measures as a benchmark against which successful high-level implementation of the code can be rated.
- 2.3 A Designated Person (DP) must be appointed to provide independent assurance regarding the operation of the Marine Safety Management System and this position was awarded to ABPmer in November 2020 with Monty Smedley appointed as DP.
- 2.4 Of the ten key measures used as a base line, three of these key measures were identified by the Designated Person as not being met at Council level and one was identified on Mull. This report will update on the measures taken to eradicate the deficiencies.
- 2.5 The DP Assurance Audit reports also highlighted three examples of 'Best Practice' including operations at Oban.
- 2.6 The DP will next audit Rothesay Harbour, Port Askaig, Port Charlotte Pier and Bruichladdich Pier which are planned for September 2023.
- 2.7 Close liaison is maintained between the Marine Management, Harbour Masters and the DP to facilitate real time compliance and advice. A remedial action plan towards full compliance with the code is contained in paragraph 4.5.

3.0 RECOMMENDATIONS

- 3.1 Members of the Harbour Board are asked to:-

- 3.1.1 Note and consider this report;
- 3.1.2 Note and consider the Designated Person's Annual Report (appendix A);
- 3.1.3 Approve the new version (Volume I) of the Marine Safety Management System (appendix B); and
- 3.1.4 Note and consider the Marine Safety Plan update (appendix C).

4.0 DETAIL

- 4.1 The PMSC sets out a national standard and identifies ten key measures as a benchmark against which successful high-level implementation of the code can be compared. The ten key measures identified in the code are as follows:
 - 1. Duty Holder
 - 2. Designated Person
 - 3. Legislation
 - 4. Duties and Powers
 - 5. Risk Assessment
 - 6. Marine Safety Management System (MSMS)
 - 7. Review and Audit
 - 8. Competence
 - 9. Plan
 - 10. Aids to Navigation
- 4.2 On 6th September 2022 the DP carried out an Assurance Audit at Oban, attended by the Marine Operations Manager Scott Reid and Harbour Master Vicki McKenzie. The DP report found the operations there could be considered to be a safe and efficient marine operation which reflects Best Practice.
- 4.3 On 29th September 2022, assurance Audits were carried out on Mull and Iona in Craignure, Buessan, Fionnphort and Iona slipway, attended by Marine Operations Manager Scott Reid. The audits identified that the MSMS did not list the relevant Act or Order for Craignure and that measures were not being fully met for Buessan, Fionnphort and Iona with regard to specific information being available in the MSMS.
- 4.4 In addition to the site specific items, three areas were highlighted as not being met at a Council level and these are addressed below.
- 4.5 The PMSC Assurance Audit process is designed to provide a process of continuous improvement and learning. A Remedial Measures Action Plan was created following the audits and is noted in the table below with updates on progress.

Remedial Measures Action Plan: March 2023

Item No	Deficiency	Remedy	Status	Deadline
3	Legislation: The Marine Safety Management System not listing the relevant Acts or Orders	Ensure the latest version of the MSMS lists the relevant Acts and Orders.	The latest version of the MSMS contains a list of the relevant legislation	Completed
4	Appointment letters for Statutory Positions (Harbour Masters)	Issue Argyll & Bute Council appointment letters to Harbour Masters	Appointment letters issued for all Harbour Masters	Completed
5	<ul style="list-style-type: none"> a. Risk assessments for each location. b. Document stakeholder engagement c. MSMS does not stipulate review period or address Dynamic Risk Assessment. 	<ul style="list-style-type: none"> a. Enable MARNIS databank to be set up for all locations. b. Local stakeholder input to be kept on record or by email. c. MSMS to be reviewed with revisions. Dynamic Risk Assessment to be addressed in the document 	<p>ABPmer MARNIS support will set up 'Location tabs'. Volume II and III of the MSMS will be MARNIS based and contain site specific Standard Operating Procedures, checklists and Forms.</p> <p>Stakeholder engagement being recorded.</p> <p>Dynamic Risk Assessment addressed in the latest version of the MSMS</p>	Completed in MSMS MARNIS work scheduled for May 2023.

		and at the locations.		
6	MSMS has no annex for all locations.	MSMS to be reviewed with revisions. All locations to be included as individual standard format annex.	MARNIS will hold Volume II & III which includes location specific information for each location.	MARNIS work scheduled for May 2023.
9	MSP not assessed and performance published.	Marine Safety Plan to be assessed and performance published.	New format Marine Safety Plan published with review.	Completed

4.6 It is officers ambition to achieve full compliance with the Code and to this end the advice from the DP is being closely followed.

4.7 Ongoing actions towards administrative, Council wide compliance can be summarised as follows:

- An updated version of the Council's MSMS has been developed following the advice of the DP and will be fully compliant with the Code. It is separated into three volumes:
 - Volume I – Policies and Statements: This section which will appear on the Council website, sets out the Safety and Environmental Policies, Marine Safety Management Procedures and the Roles and Responsibilities of the office holders and staff concerned with the safety of marine operations.
 - Volume II – Maritime Assets: This will be MARNIS based, which is the Council's marine computer based management system. It will contain Port specific information; standard Processes and Procedures.
 - Volume III – System Documentation: This will also be MARNIS based and contain the port specific forms and checklists.
- MARNIS support and development will be coordinated and arranged with our own IT colleagues and ABPmer MARNIS Support around May 2023 so should be in place for the next round of Assurance Audits in September.

4.8 The new version of Volume I is appendix B and if approved will be published onto the Argyll & Bute Council web site.

4.9 Internal audits are an important check on the operational compliance at the ports and are carried out to assist in the identification and eradication of any deficiencies as a priority. These checks will continue in September 2023 at Rothesay and will continue to precede the External Assurance Audit timetable. They are carried out by our own Harbour Masters and helps the continuity of the standards across our ports.

5.0 CONCLUSION

5.1 This report provides Members with an update on the progress towards full compliance with the PMSC.

6.0 IMPLICATIONS

6.1 Policy – Any changes to Council policies will have to be reflected in the Council's Marine Safety Management System (MSMS).

6.2 Financial - None arising from this report.

6.3 Legal - Failure to comply with the PMSC could have legal consequences following a marine incident.

- 6.4 HR - None.
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities - protected characteristics - None directly arising from this report.
 - 6.5.2 Socio-economic Duty - None directly arising from this report.
 - 6.5.3 Islands - Compliance with the PMSC will help ensure safe and effective port operations.
- 6.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 6.7 Risk - Compliance with the PMSC will minimise the risk of port operations.
- 6.8 Customer Service - Compliance with the PMSC will assure customers and port users; and assist council staff with safe operations.

Executive Director with responsibility for Roads and Infrastructure Services:
Kirsty Flanagan

Head of Roads and Infrastructure Services: Jim Smith

Policy Lead for Roads and Infrastructure: Councillor Andrew Kain

August 2022

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APPENDIXES

Appendix A Designated Person Annual Report 2023

Appendix B Volume I of the Marine Safety Management System

Appendix C Argyll & Bute Council Marine Safety Plan 2021 – 2023 (with completed 2017 – 2020 Plan)

Appendix D Port Marine Safety Code – Isles of Mull and Iona

Appendix E Port Marine Safety Code – Oban