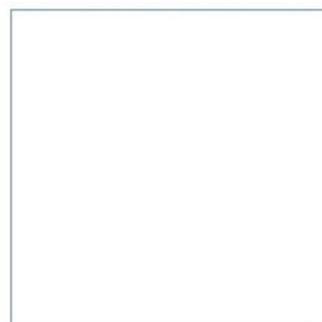
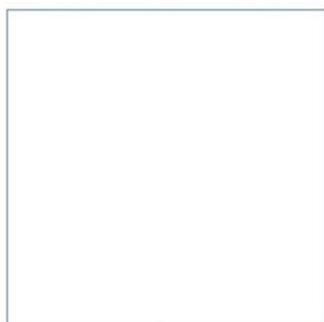
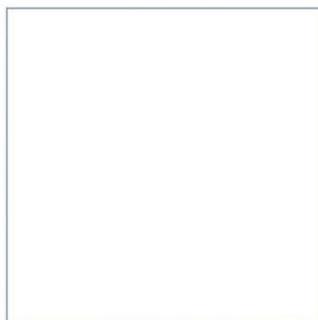


Argyll and Bute Council

Port Marine Safety Code

Audit: Oban (North Pier) 2022

November 2022



Innovative Thinking - Sustainable Solutions

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Port Marine Safety Code

Audit: Oban (North Pier) 2022

November 2022



Source: <https://www.northpierpontons.com>

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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

Oban is located in the Argyll and Bute Council area of west Scotland. Oban Bay itself is a near perfect horseshoe shape, protected by the island of Kerrera to the west; and beyond Kerrera, the Isle of Mull. Vessel access to the bay is via the North Channel from the Firth of Lorn or the longer passage along the Sound of Kerrera from the south. Oban is an important ferry hub known as the 'Gateway to the Isles' with 13,700 vessel movements recorded in 2019. Oban acts as the central point for west coast Roll-on, Roll-off (RoRo) lifeline ferry services with scheduled sailings to the Islands of Lismore, Colonsay, Coll, Tiree, Port Askaig (Islay), Craignure (Mull), Castlebay (Barra) and Lochboisdale on South Uist.

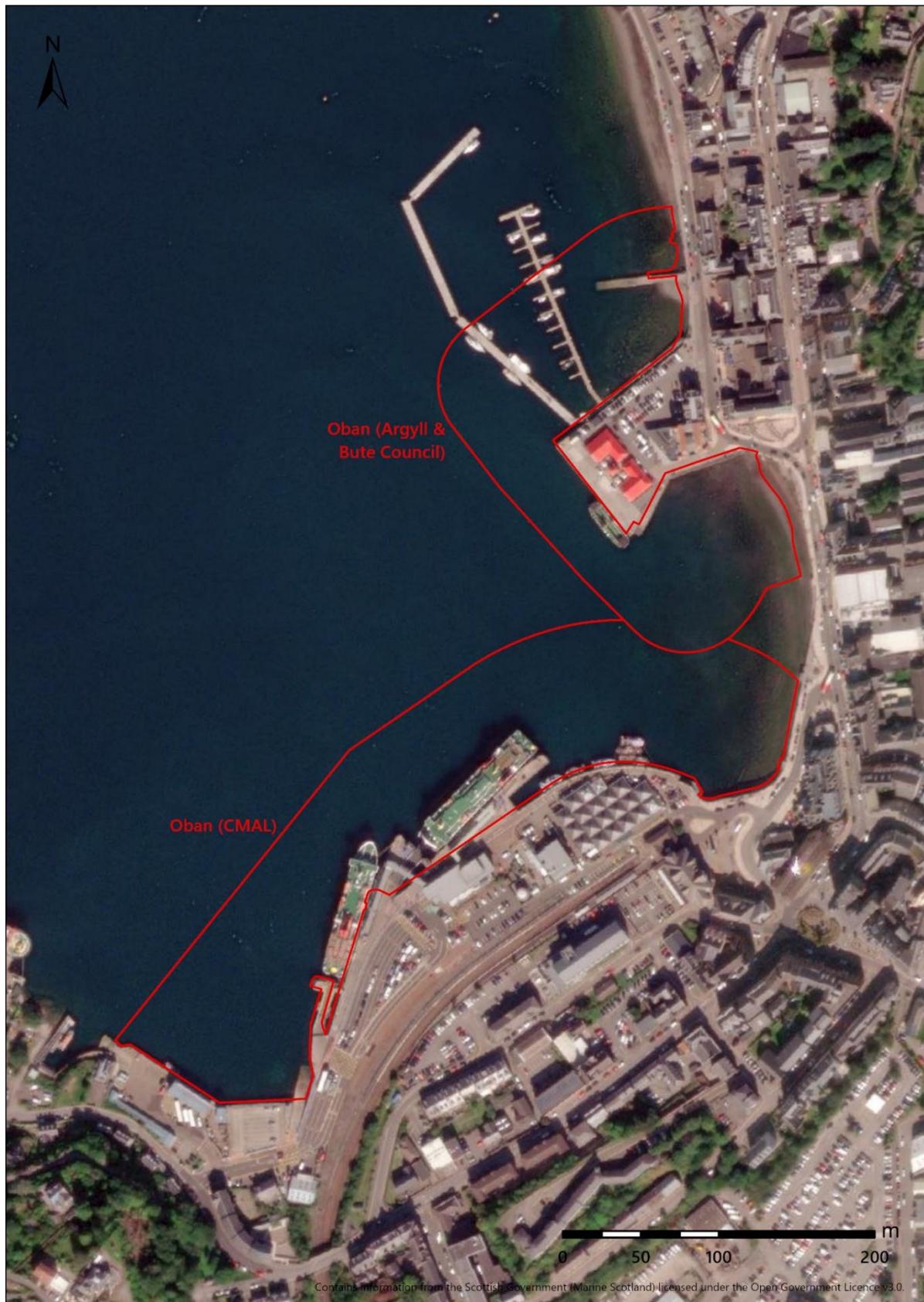
Argyll and Bute Council (A&BC) is the Statutory Harbour Authority (SHA) for Oban North Pier with an area defined in Section 22 of the 'Pier and Harbour Orders Confirmation (No.5) Act 1896, Schedule 2, Oban Improvement and Maintenance of Piers'. The Council also has a smaller statutory area at Oban South Pier as laid out in Section 18 from Schedule 2 of the 1896 Act. The pier areas form part of A&BC's Municipal Harbour Authority, being owned and operate by the Council. Within its SHA areas A&BC is also the Local Lighthouse Authority (LLA) with respect to aids to navigation by virtue of Section 193 of the Merchant Shipping Act 1995. A&BC is not a Competent Harbour Authority with regard to Pilotage.

The harbour limits as recorded by Marine Scotland's database are shown in Figure 1, it should be noted that the limits shown do not match the limits described in the 1896 Act. Statutory harbour limits within Oban Bay are complex and subject to ongoing review, Figure 1 has been included in this audit report to demonstrate approximate boundaries for the Harbour Authority around Oban North Pier and the adjacent SHA at the Railway Pier. The Railway Pier SHA is owned by Caledonian Maritime Assets Limited (CMAL) as harbour authority and operated under contract by CalMac Ferries Limited (CFL).

A&BC marine operation at the North Pier includes a number of specific facilities. These include the Oban Times Slip, which is accessed from Corran Esplanade (A85) and is routinely used by wildlife tour boat operators. Immediately to the north of the Pier is the North Pier Pontoons which provide a marina facility for transit yachts staying up to three nights. The pontoons provide 39 finger berths and berthing along its outer breakwater for vessel of 20 m or larger in length and up to 127 Gross Tonnage (GT). The pontoons are also used by tenders from Cruise vessels on scheduled visits. The North Pier provides 75 m of solid berthing face, typical used by large charter vessels, aquaculture vessels, bulk cargo (forest products, road salt, local industrial goods) and layby berthing for CFL vessels. The Pier has a slipway on its south side which is used by the cross bay ferry to Kerrera Marina and for wildlife tour operators. Kayaks and beach launched craft operate from the slipways along the Harbour Promenade which are within the Oban North Pier SHA, the slipways in this section are owned by A&BC but are not managed or maintained by the harbours team.

The South Pier is owned by CMAL and operated by CFL. South Pier is used for fishing vessel landings with an ice plant and shoreside storage. Berthing at the South Pier is controlled by CFL with the pier landside operations managed by Oban Port Users Limited. Adjacent to the western end of the South Pier is the Oban Royal National Lifeboat Institute (RNLI) lifeboat station.

A&BC also own the slipway at Port Beag which is located immediately to the west of the RNLI station. The slipway is operated and maintained by the Council and includes the small parking area adjacent to Gallanach Road. The slipway is used by small day boats and trailer launched vessels. Immediately to the west of Port Beag is the Northern Lighthouse Board (NLB) depot which is located outside of both the A&BC and CMAL SHAs.



Source: Esri, DigitalGlobe, GeoEye. Contains information from the Scottish Government (Marine Scotland) licensed under the Open Government Licence v3.0

Figure 1. Oban Harbour Limits (Illustrate only - Marine Scotland data layer)

2 Purpose and Method

2.1 Audit 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 annual auditing to establish if the Harbour Authority is compliant with the requirements of the Port Marine Safety Code (PMSC). The scope of the audit includes a review of Harbour Authority performance against the standard laid out within the latest edition of the Code. 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, addressing 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 onsite at Oban North Pier on 06 September 2022. 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 Auditor

The following auditor conducted this audit.

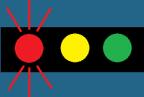
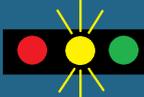
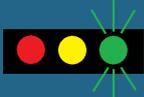
Team Member	Initials	Company, Designation
Monty Smedley	MJS	ABPmer, Principal Maritime Consultant Lead Auditor for Quality Management Systems (QMS ISO 9001) Designed Person (PMSC) Argyll and Bute Council

2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Allan Finlay	AF	Piers and Harbours – Technical Officer
Julie Hendry	JH	Marine Operations – Admin Officer
Scott Reid	SR	Marine Operations Manager
Vicki McKenzie	VM	Oban North Pier – Harbour Master

3 Audit Summary

Number	Key Measures Ten-Point 'Health Check'			
1	Duty Holder	0	2	5
2	Designated Person	0	1	2
3	Legislation	1	3	4
4	Duties and Powers	0	14	36
5	Risk Assessment	1	2	4
6	MSMS	0	6	10
7	Review and Audit	0	0	4
8	Competence	0	7	3
9	Plan	1	0	2
10	Aids to Navigation	0	0	2
Total		3	35	72

The summary presented in the above table identifies that, for the ten-point health-check, Argyll and Bute Council as the Statutory Harbour Authority for Oban North Pier is found **not to be fully compliant** with the requirements of the Port Marine Safety Code.

The following three non-compliances were recorded:

- The MSMS does not list relevant Acts or Orders for Oban North Pier, nor are the harbour limits mapped following descriptions in Section 22 and 18 of the 1896 Act.
- 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 one-year review frequency. Users may set their own review frequency.
- 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.

The PMSC audit identified 35 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. The following points identify the more significant items:

- The Marine/Navigational Risk Assessment review process which includes consultation with the Oban Bay User Group is not documented in the risk assessments. Participants in the review (for example the Oban Bay User Group) should be included in the risk assessment attendees and notes sections.
- Whilst Oban North Pier harbour office has a flow process for Dynamic Risk Assessment (DRA), the MSMS does not address the expectations of the Harbour Authority in respect to DRA.

- The training matrix does not include the roles of the Duty Holder, the Marine Operations Manager, Technical Officers, Senior Pier Operatives and the Marine Operations Admin Officer. The training record files does hold a 'HQ and Others' worksheet.
- 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 (which is a centralised function), with notification of training completed provided by Harbour Masters. The MSMS should be updated to reflect the process used.
- It is not clear if the training '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.
- The MSMS provides outline requirements for enforcement and prosecution where a harbour direction or byelaw has been broken. There are no specific processes in place for Oban with respect to enforcement.
- The environmental policy lacks detail on how the obligations of the Harbour Authority under national legislation is delivered.
- Annual exercises of both the Oil Pollution Response Plan and the Emergency Plan at Oban would be beneficial to schedule.
- At the time of audit there was no evidence of an appointment letter for the statutory role of Harbour Master or Deputy Harbour Master made by the Harbour Authority under relevant local Acts and Orders.
- The MSMS Annex on Oban does not provide information on how powers of Special Direction are used for controlling vessel movements.
- Tour boats and workboats routinely used the harbour. There is currently no method of obtaining assurance that craft working commercial are operating their vessels in accordance with relevant MCA codes.

Marine operations and quayside checks were also carried out, 2 observations were identified, the detailed findings being presented in Appendix B.

- There was no provision of a life ring or other lifesaving equipment at the Oban Times Slip.
- Mooring rings on the Oban Times Slip may present a trip hazard.
- The North Pier mooring bollards did not have their Safety Working Load (SWL) identified.
- Signage at the North Pier to warn the public of the working area of the quayside edge was not evident.

The following points of best practice were noted:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.8% for Category 2 Aids.
- At the time of audit, all seven 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.

4 References

DfT, 2016. Port Marine Safety Code, Department for Transport (DfT) a, 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), February 2018.

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

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MCA, 2022. Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom. Marine Guidance Note: MGN 401 (M+F) Amendment 3. Maritime & Coastguard Agency, March 2022.

Ports of Scotland, 2022. Yearbook, 41st Edition.

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>

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

4.1 Websites

<https://www.argyll-bute.gov.uk/fees/22/piers>

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<https://www.argyll-bute.gov.uk/moderngov/ieListMeetings.aspx?CId=567&Year=0>

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<https://www.northpierpontoons.com/>

<https://www.obanharbour.scot/information/oban-bay-management-group/managmentgroupnotes>

<https://www.obantimes.co.uk/2021/04/14/investigations-continue-after-second-oban-oil-spill>

5 Abbreviations/Acronyms

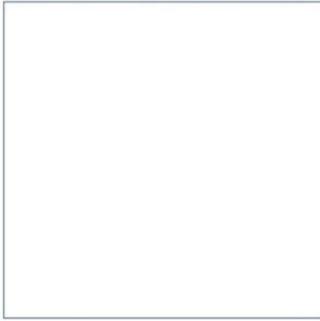
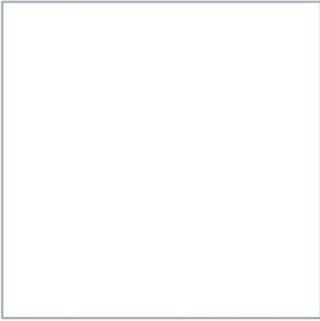
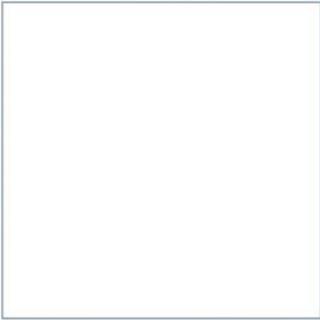
A&BC	Argyll and Bute Council
ACOP	Approved Code of Practice and Guidance
ALRS	Admiralty List of Radio Signals
AtoN	Aid(s) to Navigation
BPA	British Ports Association
CARP	Critical Activity Recover Plan
CAT	Category
CERS	Consolidated European Reporting System
CFL	CalMac Ferries Limited
CHA	Competent Harbour Authority
CMAL	Caledonian Maritime Assets Limited
DfT	Department for Transport
DGHAR	Dangerous Goods in Harbour Areas Regulations 2016
DRA	Dynamic Risk Assessment
DSHAR	Dangerous Substances in Harbour Areas Regulations 2016
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GT	Gross Tonnage
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act 1847
HQ	Head Quarters
HR	Human Resources
HRO	Harbour Revision Order
HSE	Health and Safety Executive
IMO	International Maritime Organization
ISO	International Organization for Standardization
ISPS	International Ship and Port Facility
KPI	Key Performance Indicator
LATON	Local Aids to Navigation
LLA	Local Lighthouse Authority
LPS	Local Port Service
LSE	Lifesaving Equipment
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MarNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MS	Microsoft
MSMS	Marine Safety Management System
n/a	Not Applicable
NLB	Northern Lighthouse Board
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
PEC	Pilotage Exemption Certificates
PFSP	Port Facility Security Plan
PMSC	Port Marine Safety Code
PSS	Port Skills and Safety
QMS	Quality Management System
RATSA	Railways and Transportation Safety Act

RNLI	Royal National Lifeboat Institute
RoRo	Roll-on, Roll-off
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency
SHA	Statutory Harbour Authority
SIP	Safety in Port
SOPs	Standard Operating Procedures
SOSREP	Secretary of State's Representative
SPA	Special Protection Areas
SWL	Safe Working Load
UK	United Kingdom
UKHO	United Kingdom 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?	Satisfactory – the harbour authority has a copy of its local legislation in the form of the 'Oban Piers Order 1896. The following local legislation is in place and cited as the 'Oban Piers and Harbour Orders 1862 to 1896: <ul style="list-style-type: none"> ▪ Pier and Harbour Orders Confirmation Act 1862, Oban Harbour Order. ▪ The Oban Pier and Harbour Order 1864. ▪ Pier and harbour Orders Confirmation (No.5) Act, 1896, Schedule 2, Oban Improvement and Maintenance of Piers. 		MJS_004 MJS_005	MJS
		Is the Harbour, Docks and Piers Clauses Act (HDPCA) 1847 incorporated into local Acts and Orders?	Satisfactory – the HDPCA has been incorporated, as referenced in the Section 47 of the 1896 Act (which excludes Section 16 to 19 of the HDPCA from inclusion).		MJS_003 MJS_005	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

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	<p>Satisfactory – the MSMS, Section 2.2 lists the duties of the Duty Holder.</p> <p>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).</p>	<p>Recommend – 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.</p>	MJS_001	MJS
1.10	The Duty Holder	Does the Duty Holder (and Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	<p>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 Oban visit was on 24 September 2021. The Harbour Board were also invited to the Campbeltown Emergency Response Exercise in November 2021. The MSMS is provided on the Council's website making it a simple process to view the most recent version.</p>		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?	<p>Satisfactory – all the current (seven) Councillors of the Harbour Board, plus the Council's Executive Director of Development and Infrastructure Services (as Duty Holder) have attended training run on 05 September 2022. 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. It should be noted that at the time of audit, a bye-election was planned and following its completion the Harbour Board will increase to eight.</p>		MJS_002 MJS_006	MJS
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	<p>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. The Designated Person's contact details were posted on the Dunoon staff mess-room notice board.</p>		https://www.argyll-bute.gov.uk/site/default/files/dp_contact_information_abc.pdf	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.11-1.12	Cont. The Designated Person	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 [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
		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 01 September 2022 identifies reports including the Marine Asset Management Plan Update, Port Marine Safety Code Update, Oban Bay Update and Draft Harbour Board Workplan.		MJS_006 MJS_007 https://www.argyll-bute.gov.uk/moderngov/ieListMeetings.aspx?CategoryId=567&Year=0	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	<p>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.</p> <p>Observation – the role of the Technical Officer(s) for Piers and Harbours could be usefully included within the MSMS.</p>	<p>Recommendation – include the role of the Technical Officer(s) for Piers and Harbours.</p>	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. Information from the MAIB and the BPA in the former of safety circulars are distributed by the Marine Operations Admin Officer. Evidence sighted.		MJS_009 MJS_010	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	Satisfactory – the Harbour Authority has a list of local Acts and Orders for Oban, plus a map with the extent of the harbour limits shown.		MJS_003 MJS_005	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	Non-compliance – the MSMS does not list relevant Acts or Orders for Oban, nor are the harbour limits shown.	Recommendation – the MSMS must contain information on the local legislation for Oban and expand upon the powers, duties and responsibilities provided by the local Acts and Orders.	MJS_001	MJS
		Have the Harbour Authority’s existing powers been reviewed?	Satisfactory – the harbour acts have been reviewed by A&BC lawyers with an external review conducted by marine lawyers. Recommendations for update have been presented to the Council and a Harbour Revision Order (HRO) process initiated. Evidence provided.		MJS_047	MJS
		Is the organisation’s jurisdiction mapped and clear?	Satisfactory – the Harbour Authority has a list of local Acts and Orders for Oban, plus a map with the extent of the harbour limits shown. Observation – whilst some chart products show the harbour limits, others (the Admiralty Chart, 1790 ‘Oban and Approaches’) does not map the area. The Marine Scotland layer used for marine planning incorrectly identifies the A&BC SHAs. Observation – the MSMS, Section D ‘Oban North Pier and Pontoons’ describes the limits: <i>“The Harbour boundary is defined by the area east of a line joining Dog Stone to the North and Brandy Stone to the South”.</i>	Recommendation – providing the boundaries to the UK Hydrographic Office including descriptions from the 1896 Act, Sections 22 and 18 requesting update of the harbour limits. Recommendation – the description for A&BC’s SHA areas in Oban Bay is updated in the MSMS to match the areas described in Section 22 and 18 of the 1896 harbour act.	MJS_003 MJS_005	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Have risks associated with marine operations been assessed and a means of controlling them deployed?	Satisfactory – the MSMS, Section 8 describes the assessment methodology. A set of 18 risk assessments are in place for the harbour, all assessments were in-date at the time of audit. Review dates were completed in January and February 2022. The hazard scenarios cover a range of foreseeable eventualities based on current harbour activities.		MJS_001 MJS_011 MJS_012	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	Satisfactory – the Harbour Master has undertaken a training course for marine risk completed on 02 March 2021. Certificate sighted.		MJS_013	MJS
		Are stakeholders included in marine risk review/assessments?	Satisfactory – risk assessments are conducted with the Assistant Harbour Master. Observation – the review process which includes consultation with the Oban Bay User Group is not documented in the risk assessments.	Recommendation – the experience and knowledge of harbour users is sought and their engagement documented in the risk assessments. Participants in the review (for example the Oban Bay User Group) should be included in the risk assessment attendees and notes sections.	MJS_011 MJS_012	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 requirement 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

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 (FRA)	Is a system of Dynamic Risk Assessment (DRA) used?	Satisfactory – a DRA flow diagram has been prepared and distributed to harbour staff at Oban, a copy was posted on the notice board. Observation – 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 harbour staff.	MJS_048	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.	Satisfactory – A&BC’s Marine Safety Management System (MSMS) is issued as version 11, dated May 2020. A revision history is included with notes defining changes made over time. The MSMS is presented as a manual and supporting Annexes for individual ports, harbours and piers. Observation – the distribution list contains names of post holders which is out of date. Observation – the MSMS contains various sections of national guidance, some of which is generic in nature and not tailored to A&BC’s specific circumstances.	Recommendation – the distribution list should be reviewed with posts and roles updated as required. Recommendation – the MSMS should be fully reviewed to remove extraneous information and provide tailored procedures to each port, harbour and pier.	MJS_001	MJS
2.15	Key Performance Indicators (KPIs)	Does the harbour authority detail KPIs and/or make a statement about performance in the organisation’s annual report?	Satisfactory – A&BC’s key performance indicators for ports and harbours are identified in the ‘Marine Safety Plan’ as specific outcomes. Observation – the MSMS does not address port and harbour KPIs.	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’.	MJS_001 MJS_002	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate 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.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.17	MSMS Consultation	Are forum/consultation meetings held?	Satisfactory – the MSMS Section 4 addresses 'Consultation', with sections on consultation policy, statutory consultation and consultation with interested parties. At Oban the key stakeholder group is the 'Oban Bay Management Group', which includes all SHAs and marine facility operators, plus the Chair of the Oban Stakeholder Group and the Chair of the Oban Community Harbour Development Association. Evidence of meeting and minutes are held online.		https://www.obanharbour.scot/information/oban-bay-management-group/managmentgroupnotes	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p>Satisfactory – two MS Excel files are maintained, the first is titled 'Harbour Training Matrix 2021' the second is titled 'training records'. The training matrix identifies the Essential, Required, Advantageous and Not Required training. The training records identifies staff by location with dates against qualifications held.</p> <p>Observation – the matrix does not include the roles of the Duty Holder, the Marine Operations Manager, Technical Officers, Senior Pier Operatives and the Marine Operations Admin Officer. The training record files does hold a 'HQ and Others' worksheet.</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.</p> <p>Observation – the MSMS, Section 6.3 states that: "<i>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</i>". The training matrix is maintained by the Marine Operations Admin Officer, with notification of training completed provided by Harbour Masters.</p>	<p>Recommendation – that all roles are identified in the matrix to ensure it documents all job roles with a remit for delivering marine safety functions for the Harbour Authority.</p> <p>Recommendation – provide definitions for the terms used on the matrix for the avoidance of doubt.</p> <p>Recommendation – consider removing individual's names from the training matrix.</p> <p>Recommendation – review the wording and process in the MSMS Section 6.3 to ensure it operates as required.</p>	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	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
			<p>Satisfactory – the Marine Operations Admin Officer maintains a central record of training. Individual staff are identified with dates of training and certification held in day/month/year format. Harbour Master keeps a local record of all staff training.</p> <p>Observation – where training has been undertaken by the Council, the Marine Operations Admin Officer maintains course certification. Where qualifications were already held by the individual or completed locally, the Harbour Master holds the certification.</p> <p>Observation – the training records do not clearly record, date taken and expiry date for qualifications</p>	<p>Recommendation – that the Council considers carrying out an audit of certification required to be held by staff and updates its central records accordingly.</p> <p>Recommendation – adding date taken and expiry date (named columns) to training records.</p>	MJS_001 MJS_014 MJS_015	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. Incident records from Dunoon identify the following (noting that the 2017 and 2018 records are recorded in MarNIS). The database records 18 accident/incident records since 2017. During 2022 (January to August) there have been three incidents. Records evidenced.</p>		MJS_016 MJS_017 MJS_018	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 – at least four incident records are open (i.e., not set to actioned-closed) in MARNIS from years between 2017 to 2020.	Recommendation – reviewing incident records not shown as closed and actioned from previous years. Incident investigations should be set to 'actioned-closed' once all investigations are complete and actions assigned.	MJS_016 MJS_017 MJS_018	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. Anecdotal information from Oban identified that local police liaison is good with the Harbour Master and team in contact with local police resources.		MJS_001 MJS_018 Anecdotal	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	Satisfactory – incident reports are distributed to the Scottish Environment Protection Agency (SEPA) and the Maritime and Coastguard Agency (MCA) as required. Evidence of the Oil Pollution spill into Black Lynn Burn from a damaged storage drum, reported to SEPA, April 2021.		https://www.obantimes.co.uk/2021/04/14/investigations-continue-after-second-oban-oil-spill	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'. There have been no MAIB reportable incidents within A&BC's SHA since MarNIS records commenced in 2017.		MJS_001 MJS_017	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. The last internal audit was carried out at Oban in August 2022. The Internal Audit was a comprehensive check against the Guide to Good Practice (DfT, 2018), and is considered as an example of good practice .		MJS_019 MJS_020 MJS_021 MJS_022	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	Satisfactory – the MSMS Section 9.12 provides the enforcement procedure. Observation – text within the MSMS provides outline requirements. There are no specific processes in place for Oban with respect to enforcement or prosecution. This links to topics of duties and powers, local legislation and byelaws.	Recommendation – the development of Oban specific information and/or processes for enforcement and prosecution.	MJS_001	MJS
		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?	See response in this Audit report, Section 2.17 on Consultation.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
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 on 10/03/21 to confirm its current state of compliance with the Code. Letter evidenced. The DfT list of ports reporting compliance does not include A&BC ports, harbours or marine facilities. This position has been taken by the DfT, guidance by the MCA, as the Council has confirmed it is not compliant at the time of writing the letter but was working towards full compliance in a number of key areas, including: legislation review and update, policy review, MSMS documentation and creation of Standard Operating Procedures (SOPs).		MJS_023 https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list	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?	Satisfactory – there are no other Organisations within the North Pier SHA area operating marine facilities. The South Pier facilities are operated by CFL, on behalf of CMAL, which has declared its compliance with the Code.		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.		MJS_001	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty'?	Satisfactory – Oban North Pier and South Pier operates on the premise that an Open Port Duty under Section 33 of the 'Harbours, Docks and Piers Clauses Act 1847' is in place.		MJS_001 MJS_002 MJS_005	MJS
3.6 – 3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> ▪ Survey as necessary ▪ Place navigation marks ▪ Keep 'vigilant watch' for any seabed changes ▪ Keep hydrographic records ▪ Ensure hydrographic information is published ▪ Update UKHO. 	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 was conducted on 07 April 2021. Information was passed by the survey contractor to UKHO. Evidence sighted.		MJS_001 MJS_024 MJS_025	MJS
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, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	Satisfactory – there is no evidence that A&BC as Harbour Authority at Oban has any powers to licence marine works under its local Acts and Orders. There is no licence held for the disposal of dredged material at sea.		MJS_005	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
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. ▪ the 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 Oban 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 are 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
3.9	Civil Contingency Duty	Does the MSMS include reference to the Harbour Authority's obligations as a Category 2 responder?	Satisfactory – the MSMS includes reference to Civil Contingency duties within supporting port, harbour and pier Annexes.		MJS_001	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. The annual OPRC return form was evidenced. A&BC maintain a Critical Activity Recover Plan (CARP) which incorporates the Council's Civil Contingency duties. Oban has an emergency plan, covering Oban North Pier, pontoons and Oban Times Slip. This was last published in January 2022 as revision 3.		MJS_027 MJS_029 MJS_046	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 – a training exercise for oil pollution was carried out for A&BC in Campbeltown on 23 November 2021, as operation ‘Smerby’. Evidence provided. In addition, locally, the Harbour Master in Oban has kit musters and drills prior to each season with seasonal staff. Staff also practised replacing a contaminated boom with a clean boom whilst keeping any oil entrapped. Observation – annual exercises of both the Oil Pollution Response Plan and the Emergency Plan at Oban would be beneficial to schedule.	Recommendation – the production of a yearly planner to detail emergency exercises.	MJS_031 MJS_032	MJS
3.10 – 3.11	Harbour Authority Powers 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.	Satisfactory – the last HRO was made in 1896, a new HRO has been drafted and is open to public consultation at the time of audit.		MJS_005 https://www.argyll-bute.gov.uk/news/2022/jul/public-consultation-municipal-harbour-authority-oban	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 – the MSMS identified the Harbour Master's role by name.</p> <p>Observation – at the time of audit there was no evidence of an appointment letter for the statutory role of Harbour Master or Deputy Harbour Master made by the Harbour Authority under relevant local Acts and Orders.</p>	<p>Recommendation – consider issuing a letter of appointment for statutory roles, separate to normal Human Resource (HR) letters.</p>	MJS_001	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	<p>Satisfactory – under Section 46 of the 'Pier and Harbour Orders Confirmation (No.5) Act 1896, Schedule 2, Oban Improvement and Maintenance of Piers', the Harbour Authority may make Byelaws. No Byelaws are known to be issued.</p> <p>Observation – information on powers to make Byelaws is not included in the MSMS Annex on Oban.</p>	<p>Recommendation – information describing the powers of the Harbour Authority to make Byelaws is included in the MSMS.</p>	MJS_005	MJS
		Date of last byelaw review?	<p>Not applicable – no Byelaws are known to be issued.</p>		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?	<p>Satisfactory – the MSMS, Section 5.1.3.2, deals with the topic of Special Direction as a high level description stating: <i>"Ports will monitor vessel movements to ensure compliance with all relevant bye-laws and General or Special Directions as well as Pilotage Directions and, where applicable, Local Notices to Mariners"</i>.</p> <p>Observation – the MSMS Annex on Oban does not provide information on how powers of Special Direction are used for controlling vessel movements.</p>	<p>Recommendation – the MSMS Annex on Oban should be expanded to include a procedure for issuing Special Directions.</p>	MJS_002	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	<p>Not applicable – powers of General Direction are not identified in the 'Pier and Harbour Orders Confirmation (No.5) Act 1896, Schedule 2, Oban Improvement and Maintenance of Piers'.</p>		MJS_005	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. 4.8	Cont. General Directions	When were General Directions last reviewed?	Not applicable – powers of General Direction are not available.		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	Not applicable – Harbour Directions have not been applied for.		n/a	MJS
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	Satisfactory – the Harbour Master has powers under the Dangerous Vessels Act 1985. This is laid out in the MSMS, Section 10.4.4. Observation – information relating to the expected action for the Harbour Master in respect of a dangerous vessel should be laid out as a procedure.	Recommendation – the creation of a Standard Operating Procedure based around actions a Pier or Harbour Master should take in respect of a dangerous vessel.	MJS_001	MJS
		Is the role of the 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.			
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?	Satisfactory – vessel traffic is monitored and managed through: <ul style="list-style-type: none"> ▪ Visual observation and communications by Very High Frequency (VHF), phone and email. ▪ An online calendar is used for CalMac, NLB and A&BC bookings. ▪ A&BC bookings are split into two sections (marina pontoons and pier). 		Observational	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 8.4	Cont. Vessel Traffic Management	Is vessel traffic monitoring information passed to the MCA by the quickest means?	Satisfactory – the Council has a CERS login, evidence of a completed CERS logbook provided for the 'Lord of the Glens'.		MJS_033	MJS
		Has the need for VTS/LPS been reviewed recently?	Satisfactory – the current method of vessel traffic management has been arranged to meet the demands of harbour use. The formal risk assessment for vessel traffic management is a strategic action in the Marine Safety Plan and is dated for completion by 2023. This strategic action references MGN 401, (MCA, 2022). The harbour is staffed during winter between 08:00-16:00 hr, and summer between 08:00-20:22 hr. Every day except Christmas Day (uses an on-call duty process out of hours).		Observational	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. The Council also has a Drink and Drugs Policy for its own staff. 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?	Satisfactory – A&BC's harbour operation at Oban does not handle vessels of sufficient size to require a Pilotage Service. None of the risk assessments for the harbour identify the need for a Pilotage Service.		MJS_011 MJS_012	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.12 GtGP 9.4	Pilotage Directions	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 in the MSMS?	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
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the International Maritime Organisation (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?	Satisfactory – information is included in the Port of Scotland publication, the Reeds Nautical Almanac and Marina Guide, and the Admiralty List of Radio Signals (ALRS), Volume 6, which are up to date for Oban.		ALRS, Volume 6 Ports of Scotland, 2022. Yearbook, 41st Edition.	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	Satisfactory – information is published on the Oban North Pier Pontoons website.		https://www.northpierpontoons.com/	MJS
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	Satisfactory – charges (including dues) are laid out on the Council's website. The process for setting charges uses a benchmarking exercise with other local ports. Charges are increased at the rate of inflation.		https://www.argyll-bute.gov.uk/fees/22/piers	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"> 2x CAT 2: Fixed Green Lights (vertical) on middle Pier. 1x CAT 2: Flashing Green (5 seconds) on the North Pier Pontoons. 		MJS_001	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 for the period April 2019 to April 2022 as: <ul style="list-style-type: none"> Cat 2 = 99.84% (target is 99%) Cat 3 = 100% (target is 97%) Provision and maintenance of Aids to Navigation is recognised as an area of best practice .		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?	<p>Satisfactory – the MSMS addresses wrecks within the Conservancy section and with respect to marking of wrecks. The most recent incident was the 'Lady Evelyn'.</p> <p>Observation – the MSMS does not contain specific information on dealing with wrecks, derelict or abandoned vessels.</p>	<p>Recommendation – the topic of wrecks, derelict and abandoned vessels is covered by a Harbour Authority procedure.</p>	MJS_001 Anecdotal	MJS
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	Not applicable – the Organisation is not a Competent Harbour Authority and therefore has no requirement to operate a pilot boat.		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	<p>Satisfactory – the MSMS, Section 13.1.1.6 addresses towage.</p> <p>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.</p>	<p>Recommendation – drafting of appropriate towage guidelines for all A&BC ports, harbours or piers.</p>	MJS_001	MJS
		Is there a process for approving towage providers?	Not applicable – there are no towage providers in Oban Harbour.		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 26 August 2022 was evidenced.		MJS_001 MJS_039	MJS
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Not applicable – there is no history of recreational diving.		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: <i>"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".</i> There is no history of using the 'Hot Work Permit' at Oban.		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: <i>"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".</i> A 'Bunkering Safety Checklist' for 22 August 2022 was evidenced.		MJS_001 MJS_040	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. Observation – four boats and workboats routinely use the harbour. There is currently no method of obtaining assurance that craft working commercial (i.e., not Council activities) are operating their vessels in accordance with relevant MCA codes.	Recommendation – the Harbour Authority considers the requirements of the Code and GtGP (Section 11.3, 11.4) with respect to regulating third party commercial workboats and launches within its area of jurisdiction and creates a registration scheme for workboats using the Authority's area.	MJS_001	MJS

B Quayside Check

Visual observation of the Oban Times Slip, Pontoons and North Pier was undertaken during the site visit on the 06 September 2022.

B.1 Quayside Check

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 – the Oban Times Slipway, marina pontoons and North Pier were free from debris and trip hazards.		MJS
		Pedestrian/Disabled access for passengers or leisure users?	Satisfactory – walkways were clear on the Marina Pontoons. The slipway had no markings (considered not to be required as a pedestrian slipway only). The North Pier had areas for vehicles identified from pedestrian walkways, as an open public space, the site is difficult to manage without restricting access.		MJS
		Is the type and condition of quayside surface appropriate to the operation?	Satisfactory – the Oban Times Slipway, marina pontoons and North Pier surface is appropriate to its intended use.		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 Oban Times Slipway is located on the foreshore with access steps either side of the slipway. The marina pontoons had ample water access and egress ladders installed. The North Pier had vertical ladders on the quay face with hand grips at the cope level.		MJS
		Is there appropriate LSE at quay edge?	Satisfactory – Life saving equipment (life rings) were installed at the marina pontoons and North Pier. Observation – there was no provision of a life ring or other LSE at the Oban Times Slip. See Image B1.	Recommendation – installation of LSE at Oban Times Slip, for example, a life ring.	MJS
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	Satisfactory – the Oban Times Slipway had mooring rings, set into the slipway, these were in good condition. The marina pontoons have cleats and small sets of bollards. North Pier mooring bollards are of good quality and in the opinion of the auditor, ample in size for the vessels handled.		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
Cont. SIP 005	Bollards and securing equipment	Cont. Does the general condition of bollards appear to be in good order?	Observation – mooring rings on the Oban Times Slip may present a trip hazard. See Image B1.	Recommendation – that mooring rings, or area around the mooring rings at the Oban Times Slip are painted in a bright colour to aid their identification.	MJS
		Are the bollards numbered and Safe Working Load (SWL) shown?	Observation – the North Pier mooring bollards did not have their SWL identified. See Image B2.	Recommendation – the SWL is marked on each bollard.	MJS
		Are additional bollards/rings required?	Satisfactory – in the opinion of the auditor, ample mooring rings on the Oban Times Slip, cleats and bollards on the marina pontoons and bollards on the North Pier are provided.		MJS
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	Satisfactory – fendering on the North Pier is vertical plastic sections on timber, the condition of which is considered to be good from visual observation. The Oban Times Slip does not have fendering, the pontoons have edge protection.		MJS
		Is the condition of the fendering in good order?	Satisfactory – all fitted fendering was observed to be in serviceable condition.		MJS
		Are chaffing plates used?	Satisfactory – chaffing plates and/or wood sections are not used on the Oban Times Slip or pontoons. Wooden sections are used along the North Pier edge.		MJS
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	Satisfactory – there is ample lighting around all berths at the North Pier and Pontoons. The Oban Times Slip is not used at night and has street lighting only.		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	Satisfactory – the pontoons have metal security fencing used to manage cruise passengers under International Ship and Port Facility (ISPS) requirements.		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	Satisfactory – Oban Times Slip and the Marina Pontoons have signage. Observation – signage at the North Pier to warn the public of the working area of the quayside edge was not evident.	Recommendation – installing signage to warn the public of the quayside edge and working quayside area.	MJS

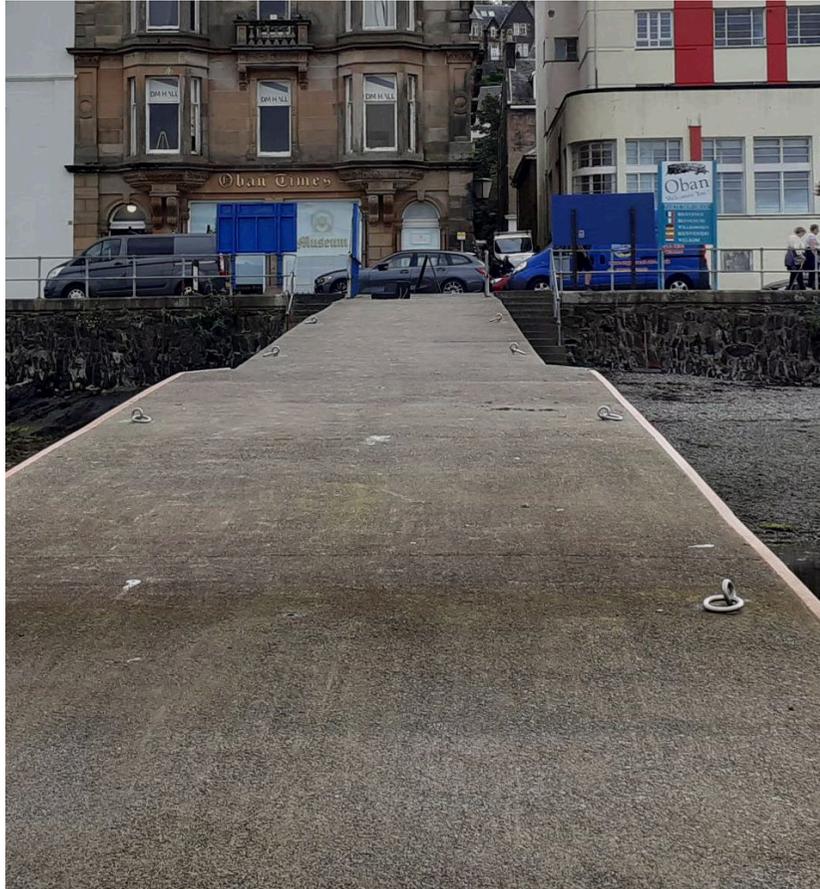


Image B1. Oban Times Slip, mooring rings and absent LSE

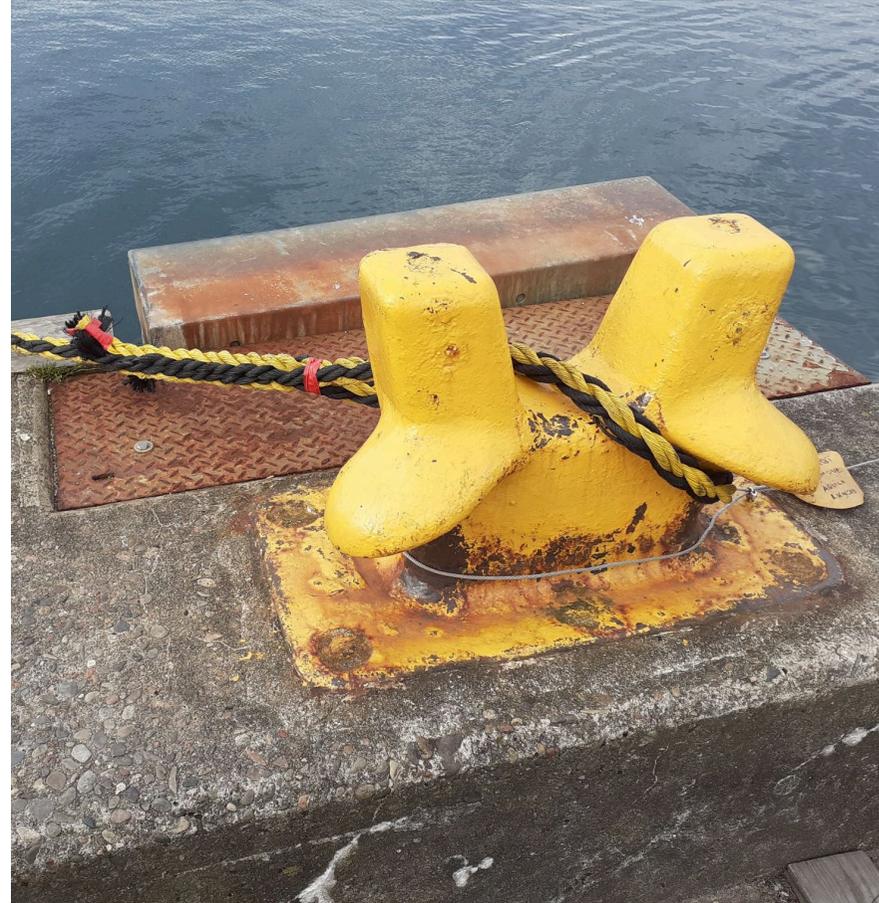


Image B2. North Pier, bollard

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