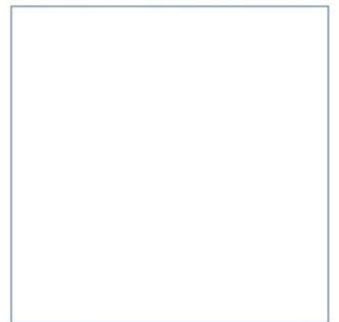
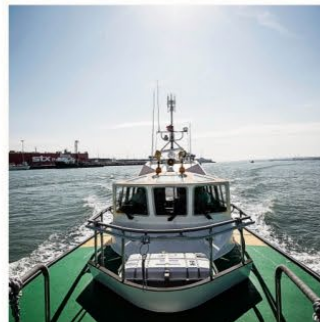
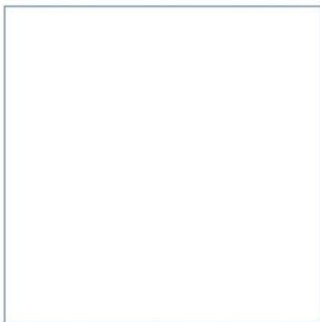
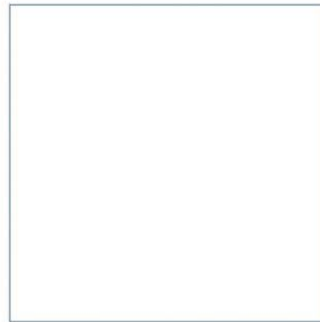


Argyll and Bute Council

Port Marine Safety Code

Audit: Rothesay 2023

January 2024



Innovative Thinking - Sustainable Solutions

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Port Marine Safety Code

Audit: Rothesay 2023


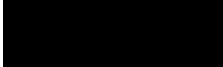

January 2024



Source, Wild About Argyll: <https://www.wildaboutargyll.co.uk/visit/bute>
Credit: SD Photography Bute

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Monty Smedley	Capt. Trevor Auld	Gordon Osborn
		

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M.J. Smedley

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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

Rothesay Harbour is situated on the south side of Rothesay Bay on the Isle of Bute. Argyll and Bute Council (A&BC) is the Statutory Harbour Authority (SHA) for Rothesay Harbour with an area defined in the Rothesay Harbour Order 1867. The harbour limits as recorded by Marine Scotland's database are shown in Figure 1. A&BC is also the Local Lighthouse Authority (LLA) with respect to aids to navigation through Section 193 of the Merchant Shipping Act 1995. A&BC is not a Competent Harbour Authority.

Rothesay is an important ferry hub, with 11,250 ferry movements and 630,000 passengers recorded in 2022. The harbour is formed of a main pier, with an outer berthing face of 170 m consisting of the Ferry Berth (linkspan berth) and the West Berth, which extends across the head of the Bay. This pier provides shelter for two basins termed the Inner Harbour and Outer Harbour, both of which have fixed pontoons providing 68 berths for smaller craft, operated by the Bute Berthing Company. The pontoons are also used by tenders from Cruise vessels on scheduled visits. The West arm has a berth on its southern side capable of accommodating small vessels up to 35 m length overall (LOA). The south side of the ferry (linkspan) berth is the fish quay, which predominantly caters for resident and visiting fishing vessels, but is also occasionally used by workboats.

The main harbour users are the CalMac Ferry Limited (CFL) ferry, operating 16 movements per day between Rothesay and Wemyss Bay. Two ferries operate on the service, both of which berth at Rothesay overnight on the linkspan berth and West Berth. The Harbour has a slipway at the root of the pier, but this is no longer in use. Two further slipways are located along the town frontage, outside of the immediate harbour but within the SHA harbour limits. Small craft, tenders, kayaks and beach launched craft operate from the slipways along the Harbour Promenade. Vessels also anchor in Rothesay Bay, within the SHA limits.



Source: Esri, DigitalGlobe, GeoEye. Contains information from the Scottish Government (Marine Scotland)

Figure 1. Rothesay Harbour Limits

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 Rothesay Harbour on 12 October 2023. 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, 2019a) and SIP 014 'Guidance on Safe Access and Egress' (PSS, 2019b) have been used. The Appendix tables to this report contain the test questions and evidence, noting down compliance, non-compliance 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
Peter Welsh	PW	Rothesay – Harbour Master
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	0	2
3	Legislation	0	2	6
4	Duties and Powers	0	9	37
5	Risk Assessment	0	2	5
6	MSMS	0	1	10
7	Review and Audit	0	0	4
8	Competence	0	3	2
9	Plan	0	0	3
10	Aids to Navigation	0	0	2
Total		0	19	76

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 Rothesay Harbour is found to be **fully compliant** with the requirements of the Port Marine Safety Code.

The following three areas of best practice were found during the audit:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.56% for Category 2 Aids.
- Standard Operating Procedures (SOPs) are reviewed annual at Rothesay Harbour, with staff signing acknowledgement that they have read and understood the content. This is considered to be a best practice approach as it provides individual tracking and accountability.
- The Marine Safety Management System (MSMS) in Section 5.2 provides information Dynamic Risk Assessment (DRA) and the requirements of the Council in DRA delivery. At Rothesay Harbour, pocket sized double-sided reporting cards are used to capture DRA risk outcomes; this is recognised as an area of best practice.

The PMSC audit identified 19 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. The following points identify the more significant items:

- Not all Councillors on the Harbour Board have attended Duty Holder training, the Marine Safety Plan has an objective of 100% attendance. It is recommended that members of the Harbour Board who have not attend Duty Holder training, complete this training as soon as practical.
- All the assessments at Rothesay had the same revision date. Staggering Marine Risk Assessments reviews is considered best practice.
- Whilst Council staff are actively engaged in risk assessment reviews, there is limited evidence of wider stakeholder consultation and engagement in risk assessment reviews. The experience and knowledge of harbour users should be sought, and their engagement documented in the risk assessments.

- Line managers are responsible for keeping records up to date, there is no assurance that a full set of training records are held centrally. It is recommended that a full internal audit/check of certification against role is conducted. This should confirm that all mandatory training is held, or courses are booked, with certification held centrally.
- The 1901 Byelaws are considered to be, for the most part, outdated. Additionally, the level of fine does not act as a deterrent. Options are to replace with General Direction powers and/or repeal and replace with a modernised byelaw set.
- There is no SOP detailing how Special Directions are given or recorded by the Harbour Master, relayed via LPS, or otherwise.
- The Council does not have a formalised process for checking commercially operated Coded vessels at its ports, harbours or piers. It is recommended that the Council considers the requirements of the 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.

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

- In the Inner Harbour, water egress from around the pontoons does not always meet the requirement from the Approved Code of Practice (ACOP) 'Safety In Docks' (HSE, 2014) Section 219, which states a minimum spacing of 85 m for ladders with a means of support at intervals of 30 m.
- Bollards on the eastern end of the main pier (roundhead) and fish quay bollards were not numbered nor were Safe Working Loads (SWL) identified.
- The fish quay accommodates smaller vessels such as fishing boats and workboats where the lines will run over the quay edge. It may be useful to add chaffing rails or wooden protection to the quay edge.

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.

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

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.

Port Skills and Safety (PSS), 2019a. Guidance on Mooring, SIP 005. March 2019.

Port Skills and Safety (PSS), 2019b. Guidance on Safe Access and Egress, SIP 014. September 2019.

4.1 Websites

https://www.argyll-bute.gov.uk/sites/default/files/2023-05/dp_contact_information3_abc.pdf

<https://www.argyll-bute.gov.uk/moderngov/ielssueDetails.aspx?IId=123876&PlanId=0&Opt=3#A1150723>

<http://www.buteberthing.com/index.html>

<https://www.argyll-bute.gov.uk/sites/default/files/2023-11/Marine%20Training%20Policy.pdf>

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

<https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list>

<https://www.peelports.com/media/kmujrfju/cntm-02-22-general-directions-pilotage.pdf>

<http://www.buteberthing.com/marina-user-guidance-notes.html>

<https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/rothesay-harbour>

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

5 Abbreviations/Acronyms

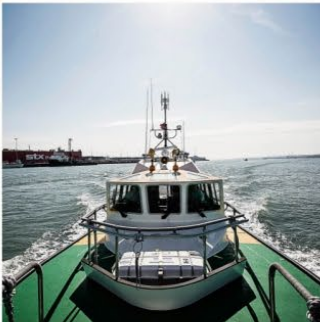
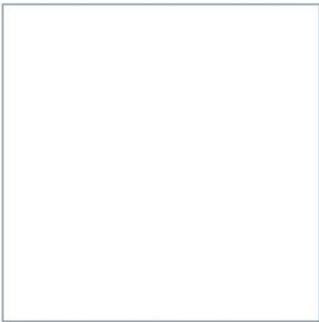
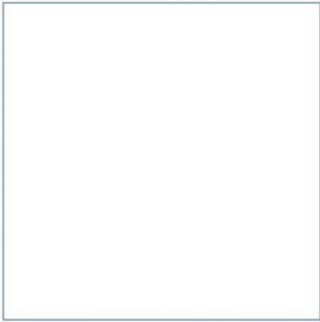
A&BC	Argyll and Bute Council
ACOP	Approved Code of Practice and Guidance
ALRS	Admiralty List of Radio Signals
AtoN	Aid(s) to Navigation
CARP	Critical Activity Recover Plan
CAT	Category
CERS	Consolidated European Reporting System
CFL	CalMac Ferries Limited
CHA	Competent Harbour Authority
DfT	Department for Transport
DRA	Dynamic Risk Assessment
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act 1847
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
LOA	Length Overall
LPS	Local Port Service
LSE	Lifesaving Equipment
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MARNIS	Marine Risk Software Produced by ABPmer
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MSMS	Marine Safety Management System
n/a	Not Applicable
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
RAMS	Risk Assessment Method Statement
RATSA	Railways and Transportation Safety Act
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), 'Policies and Statements', Volume 1, revision 01, issued November 2023. The MSMS, Section 3.1 under National Legislation states: <i>"Harbour Authorities have a range of statutory and non-statutory duties and powers relating to marine operations. The Council has a Duty of reasonable Care to its harbour users and will ensure the safety at work of employees and other persons who may be affected by the Authority's activities as far as is reasonably practicable to do so"</i> . Additionally, Section 10 'Conservancy' also states 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. Local Acts and Orders 1831 to 1983 include: <ul style="list-style-type: none"> ▪ Rothesay Harbour Act 1831. ▪ Rothesay Harbour Order 1867 ▪ Rothesay Harbour Order 1882 ▪ Rothesay Harbour Order 1898 ▪ Rothesay Harbour Order 1908 ▪ Rothesay Harbour Order Confirmation Act, 1937. ▪ Rothesay Harbour Revision Order, 1983. 		MJS_008 MJS_009 MJS_010	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 3(2) of the 1937 Act, to include the whole of the HDPCA 1847, with the exception of Clauses 6-13, 16-19, 23, 25, 26, 77-80, 84, 85, 95-101.		MJS_008 MJS_009 MJS_010	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
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 1.6.		MJS_001	MJS
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	Satisfactory – the MSMS, Section 1.4 lists the principal requirements of the Duty Holder.		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. Periodically 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.</p> <p>Observation – the Council is encouraged to arrange an opportunity in 2024 for the Duty Holder and Board to visit one of the Authority's ports, harbours or piers.</p>	<p>Recommendation – to provide awareness of the Council's ports, harbours and piers, arrange an annual visit for the Duty Holder and Board.</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 – six (of the 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 05 September 2022.</p> <p>Observation – not all Councillors on the Harbour Board have attended Duty Holder training, the Marine Safety Plan has an objective of 100% attendance.</p>	<p>Recommendation – that members of the Harbour Board who have not attend Duty Holder training, complete this training as soon as practical.</p>	MJS_011	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
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. The Designated Person’s contact details are hosted on the Council’s website.		https://www.argyll-bute.gov.uk/sites/default/files/2023-05/dp_contact_information3_abc.pdf	MJS
		Is the Designated Person’s role explained in the MSMS?	Satisfactory – the MSMS, Section 2.0 lists the duties of the Designated Person.		MJS_001	MJS
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 1.6.1 lists the responsibilities of the ‘Head of Roads and Infrastructure Services’, and Section 1.6.2 lists the responsibilities of the ‘Marine Operations Manager’.		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 are appointed by the Harbour Authority to 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 1.6.4 lists specific duties. Additionally, the Council also appoints Pier Masters in selected locations, the duties of which are identified in Section 1.6.5.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.9, 1.14 – 1.15	Cont. Harbour Master	Does an officer with responsibilities for marine safety attend Board meetings?	Satisfactory – three times a year, a report is provided by the Executive Director with responsibility for Roads and Infrastructure Services; major issues are raised to the Harbour Board. Evidence from the Harbour Board meeting of 31 August 2023 identifies reports including the Oban Harbour Update, Port Marine Safety Code Update, Piers and Harbours marine asset management plan and the Argyll and Bute Harbour Board Workplan.		MJS_012 MJS_013 https://www.argyll-bute.gov.uk/sites/default/files/2023-05/dp_contact_information3_abc.pdf	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 1.6.3 lists the responsibilities of the Marine Technical Officer, and Section 1.6.6 provides detail on the Council's Assistant Harbour Masters.		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_014 https://www.argyll-bute.gov.uk/moderngov/ielssueDetails.aspx?IId=123876&PlanId=0&Opt=3#AI150723	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 Rothesay.		MJS_008 MJS_009 MJS_010	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	Satisfactory – the MSMS, Section 3.2, has a list relevant local Acts or Orders. Rothesay has local copies.		MJS_001	MJS
		Have the Harbour Authority’s existing powers been reviewed?	Satisfactory – the harbour acts have been reviewed by A&BC lawyers. Recommendations for update have been presented to the Council and a Harbour Revision Order (HRO) consolidation process initiated. Evidence provided.		MJS_015 MJS_016 MJS_017	MJS
		Is the organisation’s jurisdiction mapped and clear?	Satisfactory – the Harbour Authority has a list of local Acts and Orders for Rothesay, plus a map with the extent of the harbour limits shown. Observation – the harbour limits on the chart (Admiralty Chart Number 1867 ‘Firth of Clyde, Hunterston Channel and Rothesay Sound’, Rothesay Sound Panel A) does not match the information held by Marine Scotland. The Rothesay Harbour Order 1867, Schedule 5, Section 7 details the harbour limits.	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.	MJS_018	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?	<p>Satisfactory – the MSMS, Section 5 describes the assessment methodology. A set of 17 risk assessments are in place for the harbour, all assessments were in-date at the time of audit. Review dates were completed in August 2023. The hazard scenarios cover a range of foreseeable eventualities based on current harbour activities. NS0003 for Vessel Wash and NS0011 for Fire/Explosion reviewed in detail. Additionally, a set of 25 Occupational Health and Safety Risk assessments are in place and circulated to Pier Operatives.</p> <p>Observation – staggering review dates for Marine Risk Assessments is considered best practice. All the assessments at Rothesay had the same revision date.</p>	<p>Recommendation – that a staggered approach to risk assessment review is adopted, on a cyclic basis, over the year.</p>	MJS_019 MJS_020 MJS_021	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	<p>Satisfactory – the Harbour Master has undertaken a training course for marine risk completed on 02 September 2019. Certificate sighted.</p>		MJS_022	MJS
		Are stakeholders included in marine risk review/assessments?	<p>Satisfactory – risk assessments are conducted with the active involvement of the Pier Operatives. Notes of stakeholder engagement are recorded on individual risk assessments. Evidence seen from NS0003 for Vessel Wash and NS0011 for Fire/Explosion.</p> <p>Observation – whilst Council staff are actively engaged in risk assessment reviews, there is limited evidence of wider stakeholder consultation and engagement in risk assessment reviews.</p>	<p>Recommendation – the experience and knowledge of harbour users should be sought, and their engagement documented in the risk assessments.</p>	MJS_020 MJS_021	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	<p>Satisfactory – the MSMS, Section 5.1.3 states that: <i>“Navigational risk assessments are maintained for the main ports and harbours as a minimum. The regular (annual) review of these risk assessments and any new risk assessments caused by operational changes will identify new risks”.</i></p>		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 – the MSMS, Section 5.2 provides information on the DRA requirement. The Council has a DRA flowchart to aid decision making. At Rothesay, reporting cards are used to capture DRA risk outcomes. This is recognised as an area of best practice.		MJS_001 MJS_023 MJS_024 MJS_025	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), ‘Policies and Statements’, Volume 1, revision 01, issued November 2023. A revision history table is included, with a draft noted as being issued in January 2023. The MSMS was approved by the Harbour Board in August 2023. The MSMS, Section 7.1 under the sub-heading ‘periodic review’ identifies that: <i>“Additional to the above the Marine Safety Management System will be reviewed and reissued by the Marine Operations Manager every three years.”</i> Standard Operating Procedures (SOPs) are reviewed annual, with staff signing acknowledgement that they have read and understood the content. This is considered to be a best practice approach as it provides accountability and tracking.		MJS_001 MJS_051	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 are detailed in the ‘Marine Safety Plan’ as measured objectives. The MSMS, Section 9.1 provides information on active and reactive system measurements.		MJS_001 MJS_007	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	Satisfactory – the MSMS, Section 1.6 ‘Marine Operational Management Structure’ details the assignment of responsibility to key officers of the 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?	<p>Satisfactory – the 'Navigational Safety, Pilotage and Towage Policy' states that Argyll and Bute Council will: <i>"Consult widely with port and other relevant stakeholders in respect of navigational safety issues."</i> At Rothesay, a harbour user six monthly meeting is held, with attendance from CalMac, Bute Berthing Company and other local stakeholders.</p> <p>Observation – the MSMS does not provide information on stakeholder engagement processes.</p>	<p>Recommendation – a section addressing stakeholder consultation is added the MSMS.</p>	<p>MJS_002 MJS_039</p> <p>http://www.buteberthing.com/index.html</p>	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p>Satisfactory – training records are held centrally, in a MS Excel sheet titled 'Training Matrix July 2022'. The training matrix identifies dates training was completed for each member of staff. The MSMS, Section 8.1 states: <i>"The Marine Operations Department shall maintain a training matrix for all staff and the respective line managers are responsible for keeping it up-to-date. The training matrix and training records is held and maintained centrally"</i>. Induction records sampled for Rothesay staff.</p> <p>Observation – it is not clear what the terms 'Essential' and 'Required' mean on the matrix.</p> <p>Observation – whilst line managers are responsible for keeping records up to date, there is no assurance that a full set of training records are held centrally.</p>	<p>Recommendation – provide definitions for the terms used on the matrix for the avoidance of doubt.</p> <p>Recommendation – a full internal audit/check of certification against role is conducted. This should confirm that all mandatory training is held, or courses are booked, with certification held centrally.</p>	<p>MJS_001 MJS_026 MJS_027</p>	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?	Satisfactory – a Marine Training Policy is in place, dated v1 August 2023, and available for download from the A&BC website. 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. Observation – the training records do not clearly record, date taken and expiry date for qualifications	Recommendation – adding date taken and expiry date (named columns) to training records.	MJS_003 https://www.argyll-bute.gov.uk/sites/default/files/2023-11/Marine%20Training%20Policy.pdf	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). 	Satisfactory – the MSMS Section 4.5 details the process to follow should an incident occur; this addresses investigation and reporting. A review of recent incidents identifies that all incidents held in MARNIS were closed and actioned, the following provides a summary of total per year: <ul style="list-style-type: none"> ▪ 5 incidents - 2023 ▪ 4 incidents - 2022 ▪ 3 incidents – 2021 ▪ 2 incidents – 2020 ▪ 2 incidents – 2019 		MJS_001 MJS_029 MJS_030	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	Satisfactory – the MSMS, Section 4.6 details actions to be taken in the event of death or crime. Information from the yacht 'Nightjar' evidenced regarding the involvement of the Police to investigate a skipper operating under the influence of drink or drugs.		MJS_001 MJS_030 Anecdotal	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	Satisfactory – the MSMS, Section 4.8 details statutory reporting requirements, incident reports are distributed to the Scottish Environment Protection Agency (SEPA) and the MCA. The last oil pollution incident reported to SEPA was 14 November 2021.		MJS_001 Anecdotal	MJS
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	Satisfactory – the MSMS, Section 4.8 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

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
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 September 2022 at Oban (North Pier). The MSMS, Section 7.2 and 7.3 detail the audit process for A&BC.		MJS_001 MJS_031	MJS
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	Satisfactory – the MSMS, Section 4.9 provides the enforcement procedure.		MJS_001	MJS
		Is there a policy on enforcement and prosecution in place?	Satisfactory – A&BC publish an Enforcement and Prosecution policy, as version 1, dated August 2023.		MJS_004	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 evidenced through the publication of 'Navigational Safety, Pilotage and Towage Policy' and its Marine Safety Plan, published on A&BC's website.		https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/marine-safety-management-system	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	Satisfactory – the Marine Safety Plan contains an assessment of the previous plan.		MJS_007	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 A&BC's website. The plan covers the years 2021 to 2023.		MJS_007	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, guided by the MCA, as the Council has confirmed it was not (at that time) fully compliant with the requirements of the Code. At the time of writing the letter the Council was working towards full compliance in a number of key areas, including: legislation review, policy review, MSMS documentation and creation of Standard Operating Procedures (SOPs).		MJS_032 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 Rothesay SHA area owning marine facilities. The Bute Berthing Company facilities are owned and maintained by the Council.		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?	<p>Satisfactory – the MSMS, Section 9.0 'Marine Safety Plan' outlines the requirements from the Code and points to the 'Marine Safety Plan' to deliver this requirement.</p> <p>Observation – the Marine Safety Plan does not specifically mention 'safe and efficient port/marine operations', however, the items in the plan identify key performance indicators required to achieve this.</p>	<p>Recommendation – that the Marine Safety Plan has wording added at its next revision, to confirm how the Council delivers the requirement for delivering 'safe and efficient port/marine operations'.</p>	MJS_001 MJS_007	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty?	<p>Satisfactory – Rothesay Harbour has an Open Port Duty under Section 33 of the 'Harbours, Docks and Piers Clauses Act 1847'. This is included in the 'Rothesay Harbour Order Confirmation Act, 1937', Section 3(2).</p>		MJS_009	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. 	<p>Satisfactory – the MSMS, Section 10.0 providing information on the Council'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 MSMS, Section 10.1 details hydrography, with the last bathymetric survey was conducted on 28 April 2021. Information was passed by the survey contractor to UKHO, evidence seen.</p>		MJS_001 MJS_033	MJS
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	<p>Satisfactory – a bilateral agreement between A&BC and the UKHO is in place, dated 17 March 2017.</p>		MJS_034	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
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 Rothesay has any powers to licence third party marine works under its local Acts and Orders. The ‘Rothesay Harbour Order Confirmation Act, 1937’, Section 5 provides powers to ‘make and maintain’ the works detailed in the Act. Mooring licences are required for individual and commercial moorings, via the Crown Estate, with navigation consent required from A&BC as the SHA.		MJS_009 MJS_052 MJS_053 MJS_054	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. ▪ the Nature Conservation (Scotland) Act 2004 	Satisfactory – the MSMS, Section 3.1 lists National legislation, including several Acts relating to Environmental Duties. These requirements are delivered through the Harbour’s services, including the Local Port Service (LPS) which monitors and advises vessel Masters and members of the public. A&BC also issue a ‘Marine Conservancy and Hydrographic Policy’, Version1, issued August 2023 which has intrinsic links to environmental duties. Information regarding Rothesay and its local habitat is contained in the Oil Pollution Response plan.		MJS_001 MJS_005 MJS_035	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. Rothesay has an emergency plan.		MJS_035 MJS_036	MJS
		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 Rothesay, exercise ‘Mount Stuart’ was run in September 2023 as a multi-agency emergency response test. Post exercise report provided.		MJS_037 MJS_038	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
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 1983, a HRO to consolidate the harbour is planned.		MJS_010	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?	Satisfactory – a letter of appointment as the Rothesay Harbour Master is held, date of appointment 02 May 2022.		MJS_042	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	Satisfactory – under the 'The Rothesay Harbour Act and Orders 1831 to 1898', Byelaws are issued as the '09 July 1900 and 11 February 1901'. The Byelaws were confirmed as extant by the 'Rothesay Harbour Revision Order, 1983'.		MJS_041	MJS
		Date of last byelaw review?	Satisfactory – the Byelaws were issued in 1901 and are the current set of Regulations. Observation – the Byelaws are considered to be, for the most part, outdated. Additionally, the level of fine would not act as a deterrent.	Recommendation – in their current form, byelaws are (largely) obsolete and the level of fine does not act as a deterrent. Options are to replace with General Direction powers and/or repeal and replace with a modernised byelaw set.	MJS_041	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master's powers of Direction shown in the MSMS, how is delegation identified?	Satisfactory – the MSMS, Section 5.1.1, details the use of Special Direction stating: <i>"Special directions – may be given by the harbour master, deputies or their assistants: these directions are time and vessel specific and are apt for operational purposes of short duration and for emergencies"</i> . Observation – there is no SOP detailing how Special Directions are given or recorded by the Harbour Master, relayed via LPS, or otherwise.	Recommendation – an SOP for the use of Special Directions is drafted and agreed. This should detail the giving of the direction and its recording.	MJS_001	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	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

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
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 listed in the MSMS, Section 3.1 under 'National Legislation'. 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 Secretary of States' Representative for Maritime Salvage and Intervention (SOSREP) acknowledged?	Satisfactory – the MSMS, Section 4.4.3 details the role of the SOSREP.		MJS_001	MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous goods/substances?	Satisfactory – the MSMS, Section 4.4.4 details the entry and control of dangerous goods and substances in the harbour. The Council's website contains reporting forms for 'Dangerous Good Notification Procedures'. At Rothesay, CalMac (as ferry operator) manages the dangerous goods notification process at the ferry terminal with A&BC as the harbour operator provided with summary information.		MJS_001 https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/marine-safety-management-system	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. ▪ Traffic light signals for the control of craft from the Inner Harbour and Marina. ▪ LPS watch office, staffed by Port Operatives. ▪ LPS log used to record harbour activity. 		MJS_043 MJS_044 Observational	MJS
		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 'Hebridean Princess' on 09 March 2023 seen.		MJS_033	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 8.4	Cont. Vessel Traffic Management	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 harbour is staffed during winter between 05:45 - 21:45 hrs, using a two-watch system. Every day except Christmas Day and New Year's Day (an on-call duty process is used out of hours).		MJS_007 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, Section 3.1 references the Railways and Transportation Safety Act (RATSA) 2003. The Council 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 an SOP or 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 Rothesay has large commercial CalMac ferries, which routinely operate with a PEC holder onboard for movement through Peel Port's Clydeport CHA. Clydeport is the CHA for the wider area, which includes Rothesay Harbour.		https://www.peatports.com/media/kmujrfju/cntm-02-22-general-directions-pilotage.pdf	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
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

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
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?	<p>Satisfactory – information is included in the Admiralty List of Radio Signals (ALRS), Volume 6, the Reeds Nautical Almanac and Marina Guide and the Port of Scotland publication. Port entry information is also available on the Bute Berthing Company website.</p> <p>Observation – information in ALRS Volume 6 for Rothesay has email contact details which are out of date.</p> <p>Observation – the harbour chart (Admiralty Chart Number 1867 'Firth of Clyde, Hunterston Channel and Rothesay Sound', Rothesay Sound Panel B) has a pontoon shown between the West Arm and shore marked 'visitor pontoon'. This pontoon was not evident during the audit.</p>	<p>Recommendation – reviewing ALRS Volume 6 for Rothesay and advise UKHO of any updates.</p> <p>Recommendation – reviewing the charted information on Admiralty Chart Number 1867 and advising the UKHO if there are any features to update.</p>	<p>MJS_048 MJS_049 MJS_050</p> <p>http://www.buteberthing.com/marina-user-guidance-notes.html</p>	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	Satisfactory – information is published on A&BC's website, and also on the port entry information shown by the Bute Berthing Company.		https://www.argyll-bute.gov.uk/roads-and-travel/marine-services/rothesay-harbour	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

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	<p>Satisfactory – as the Local Lighthouse Authority (LLA) the following Aids to Navigation are maintained:</p> <ul style="list-style-type: none"> 2 fixed red lights (vertical) on the West Arm. 1x fixed green-green-white (vertical) or 3x fixed red-red-red (vertical) traffic control lights on Albert Pier. 		https://www.argyll-bute.gov.uk/fees/22/piers	MJS
4.24	GLA returns	Are returns made to the GLA?	<p>Satisfactory – the LATON three-year return for A&BC identifies the availability return values for the period April 2020 to April 2023 as:</p> <ul style="list-style-type: none"> Cat 2 = 99.56% (target is 99.0%) Cat 3 = 100% (target is 97.0%) <p>Provision and maintenance of Aids to Navigation is recognised as an area of best practice.</p>		MJS_040	MJS
4.25-4.32	Wrecks, Abandoned or unseaworthy vessels	Does the MSMS refer to powers for dealing with wrecks?	<p>Satisfactory – the MSMS, Section 10.4 addresses wrecks within the Conservancy section and with respect to marking of wrecks. The most recent incident was a fishing vessel in the Outer Harbour in <i>circa</i> 2015.</p>		MJS_001 Anecdotal	MJS
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	<p>Not applicable – the Organisation is not a Competent Harbour Authority and therefore has no requirement to operate a pilot boat.</p>		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	<p>Satisfactory – towage is commented on in the 'Navigational Safety, Pilotage & Towage Policy'. Evidence of pre-notification Risk Assessment Method Statement (RAMS) for 21 January 2021, signed by the Harbour Master seen as evidence.</p> <p>Observation – there is no procedure for dealing with 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 and piers.</p>	MJS_002 Observational	MJS
		Is there a process for approving towage providers?	<p>Not applicable – there are no towage providers at Rothesay Harbour, the nearest providers being in Clydeport.</p>		n/a	MJS
		Are non-routine tows pre-approved / managed by the organisation?	<p>Satisfactory – towage is commented on in the 'Navigational Safety, Pilotage & Towage Policy'.</p>		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
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 – a 'Permission to Dive Permit' for 210 October 2023 was evidenced.		MJS_047	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
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	Satisfactory – a 'Marine Department Hot Work Permit – Ship' for 26 July 2023 was evidenced.		MJS_045 MJS_046	MJS
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	Satisfactory – CalMac ferries do not bunker at Rothesay, this occurs at Wemyss Bay. Fishing vessels bunker by road tanker. Observation – third parties bunker check lists, nor any delivery/receipt of fuel is not retained by the harbour.	Recommendation – the Harbour Authority should retain bunkering check lists.	n/a	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 – for vessels using the Inner and Outer Harbour, checks are made as part of the booking process operated by LPS. Observation – the Council does not have a formalised process for checking commercially operated Coded vessels.	Recommendation – the Harbour Authority considers the requirements of the 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 Rothesay Harbour Pier and Dockside during the site visit on the 12 October 2023.

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 Pier Head, Docks and slipways, plus the marina pontoons were free from debris and trip hazards.		MJS
		Pedestrian/Disabled access for passengers or leisure users?	Satisfactory – walkways were clearly marked for pedestrians to access the ferry terminal; walkways were delineated from vehicle parking areas.		MJS
		Is the type and condition of quayside surface appropriate to the operation?	Satisfactory – the marina pontoons, quayside and pier surface accessible to the public (some areas were restricted) 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 dockside and pier had appropriately spaced LSE. Some of the water egress points were built into the dockside infrastructure. Observation – in the Inner Harbour, water egress from the pontoons does not always meet the requirement stated in the ACOP, Section 219, which states a minimum spacing of 85 m for ladders with a means of support at intervals of 30 m. See Image B1.	Recommendation – the marina pontoons and dockside egress ladders are compared against the ACOP to determine if more egress points are needed.	MJS
		Is there appropriate LSE at quay edge?	Satisfactory – Life saving equipment (life rings) were installed at the pier, dockside and marina pontoons.		MJS
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	Satisfactory – the bollards along the outer pier are (visually) in good condition. The marina pontoons have cleats and small sets of bollards. Observation – the eastern end of the main pier (roundhead) and fish quay bollards were not numbered, or Safe Working Loads (SWL) identified. See Image B2.	Recommendation – bollards and bits are inspected, numbered and SWL added.	MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	Satisfactory – fendering on the Pier is vertical rubber sections on timber, the condition of which is considered to be good from visual observation. In other areas, the fendering is wood vertical sections with some tyres used for fishing vessels and workboat berths.		MJS
		Is the condition of the fendering in good order?	Satisfactory – 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 Pier. This is not considered necessary for the ferry berth, given the type and size of vessel and lead angle. Observation – the fish quay accommodates smaller vessels such as fishing boats and workboats where the lines will run over the quay edge.	Recommendation – that consideration is given to adding chaffing protection to the fish quay.	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 Pier and pontoons (note, quayside checks carried out in daylight only). Slipways along the promenade are not used at night and has street lighting only.		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	Satisfactory – there is adequate delineated between quayside operations with certain sections fenced off and usable to manage cruise passengers under International Ship and Port Facility (ISPS) requirements.		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	Satisfactory – the harbour has adequate signage.		MJS



Image B1. Rothesay Inner Harbour, Pontoon Egress Points



Image B2. Fish Quay and Roundhead Bollards

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