

## PORT MARINE SAFETY CODE

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### 1.0 INTRODUCTION

- 1.1 This report provides Members with an update on the status of Argyll and Bute Council as Harbour Authority and its compliance with the Port Marine Safety Code (PMSC).
- 1.2 It also introduces the Designated Person annual report.

### 2.0 RECOMMENDATIONS

- 2.1 Members of the Harbour Board are asked to note and consider this report

### 3.0 DETAIL

#### 3.1 Statutory Harbour Authority areas

- 3.1.1 Argyll and Bute Council is a Statutory Harbour Authority (SHA) at 8 locations and marine asset owner at a further 28 facilities. The SHA locations are:
  - 1. Bruichladdich Pier, by virtue of the 'Islay Piers Order, 1904'.
  - 2. Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
  - 3. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'. In addition, the Council is also the Competent Harbour Authority in respect of Pilotage, under the requirements of the Pilotage Act 1987, at Campbeltown Harbour.
  - 4. Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.

5. Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
6. Oban North & South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
7. Port Askaig, by virtue of the 'Port Askaig Acts and Order 1904 to 1975'.
8. Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.

### 3.2 Compliance with the PMSC

- 3.2.1 Argyll and Bute Council achieves compliance with the PMSC by implementing, monitoring and reviewing the Marine Safety Management System (MSMS). The MSMS includes the policies and procedures which seek to enhance the safety at all our facilities and is externally audited by the Designated Person (DP).
- 3.2.2 The audits carried out at Campbeltown Harbour, Carradale Harbour, Tayinloan pier, West Loch Tarbert and Arinagour Coll during 2024 identified through evidence sampled during the audit and onsite observations, that the Council has met the requirement of the Port Marine Safety Code.
- 3.2.3 Although the Council is in compliance with the PMSC (the Code) as it stands at present, the Code itself is undergoing a review with a new publication due imminently.
- 3.2.4 The Duty Holder is therefore required to submit a declaration of compliance to the Maritime and Coastguard Agency (MCA) only after the new Code is available and external Assurance Audit confirms compliance with the 'new' version's provisions.

### 3.3 Audit results

- 3.3.1 As well as a Statutory Harbour Authority (SHA) Campbeltown is also a Competent Harbour Authority (CHA) in that it provides compulsory pilotage to certain qualifying vessels. That aspect was therefore also subject to audit.
- 3.3.2 The audit found that Campbeltown had the following best practice areas:
  - Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.76% for Category 2 Aids.
  - Marine and operational risk assessments are conducted with the active involvement of the Pier Operatives. Toolbox talks are held and recorded, which is considered to be a best practice approach.
  - The Pilot boarding was undertaken in compliance with best practice. The Master/Pilot Exchange (MPX) was accurately handled; during the pilotage trip it was noted that information exchange continued. Delivery of Pilotage Duty is considered to be an area of best practice.

- 3.3.3 The audit also identified 33 observations detailed in the report where improvement opportunities exist. Some of these refer to Council wide administrative items such as Harbour Board Members undertaking Duty Holder Training and some were specific to the port. In any case the conclusion is that although the Council complies with the Code, there is still ongoing work and improvements to make.
- 3.3.4 The Coll and Kintyre audits found that provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.76% for Category 2 Aids.
- 3.3.5 The audit also identified 19 observations detailed in the report where improvement opportunities exist. Much of these were in the area of cleanliness and housekeeping at the remote piers where Argyll and Bute Council have no staff presence and is further justification for the installation of CCTV for enforcement of our rules and policies.

#### 3.4 Objectives

- 3.4.1 Marine Operations officials supported by the Duty Holder and the DP, are committed to increasing best practice across the Argyll and Bute Council area and in particular, the enforcement of our policies and rules and minimising future observations for improvement.
- 3.4.2 The next set of audits will take place after the summer and will be subject to the new PMSC. Work will continue to concentrate on ensuring continued compliance and improvements.
- 3.4.3 The Council's MSMS will be updated with any new items that are required for the new PMSC as soon as it is published. There are also some routine updates required, and these will be completed at the same time to be reviewed by the Duty Holder.
- 3.4.4 The updated MSMS, Safety Plan and audit reports will be presented to the September Harbour Board for noting and approval of Harbour Board Members.

### 4.0 CONCLUSION

- 4.1 This report provides Members with an update on the status of Argyll and Bute Council as Harbour Authority and its compliance with the Port Marine Safety Code (PMSC).

### 5.0 IMPLICATIONS

- 5.1 Policy - None directly arising from this report.
- 5.2 Financial - None arising from this report

- 5.3 Legal - Failure to comply with the PMSC could have legal consequences following a marine incident.
- 5.4 HR – None.
- 5.5 Fairer Scotland Duty:
  - 5.5.1 Equalities - protected characteristics - None arising from this report.
  - 5.5.2 Socio-economic Duty - None directly arising from this report.
  - 5.5.3 Islands - Compliance with the PMSC will help ensure safe and effective port operations.
- 5.6 Climate Change - Due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 5.7 Risk - Compliance with the PMSC will minimise the risk of port operations.
- 5.8 Customer Service - Compliance with the PMSC will assure customers and port users; and assist council staff with safe operations.
- 5.9 The Rights of the Child (UNCRC) - None directly arising from this report.

**Kirsty Flanagan, Executive Director with responsibility for Roads and Infrastructure Services**

**Councillor John Armour, Policy Lead for Roads, Transport and Amenity**

FEBRUARY 2025

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**APPENDICES**

Appendix 1 - DP Annual Report Feb 2025

Appendix 2 - PMSC Audit Campbeltown Oct24

Appendix 3 - PMSC Audit Coll Kintyre Oct 24