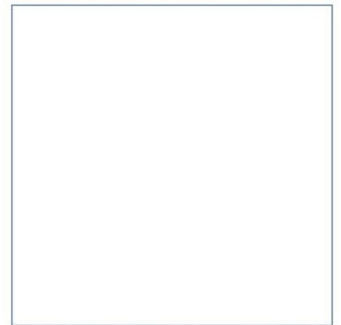
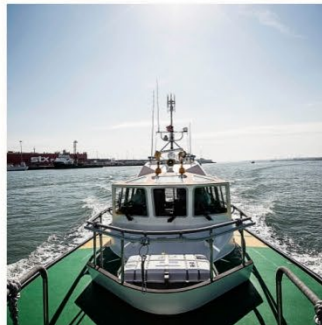
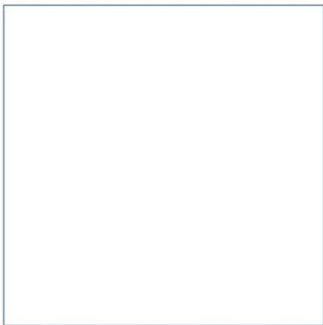
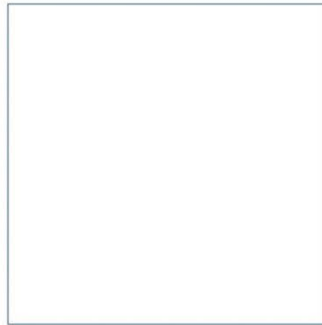


Argyll and Bute Council

Designated Person (PMSC)

Annual Report 2025

February 2025



Innovative Thinking - Sustainable Solutions

Designated Person (PMSC)

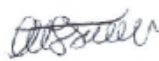


Annual Report 2025

February 2025



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1 Introduction

This report is provided by ABPmer to Argyll and Bute Council and is written to inform the Harbour Board and Duty Holder of their current status in respect of compliance with the Port Marine Safety Code (PMSC) published by the Department for Transport (DfT) and regulated through the Maritime and Coastguard Agency (MCA). The Port Marine Safety Code is referred to within this report as 'the Code' and the accompanying Guide to Good Practice is abbreviated to 'the GtGP' (DfT, 2018). This report summarises activities carried out by ABPmer as the supplier of Designated Person services between 01 January 2024 and 31 December 2024.

2 Port Marine Safety Code

The Code sets out a national standard for every aspect of port marine safety (DfT, 2016). The aim of the Code is to enhance safety for everyone who uses or works in the UK port marine environment. In order to successfully implement the requirements of the Code, ten key measures are identified as relevant for all Harbour Authorities to consider, as shown in Table 1. These are summarised below:

Table 1. Port Marine Safety Code Ten Key Measures

No	Ten Key Measures Required for Successful Implementation of the Code	
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.
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.
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.
4	Duties and Powers	Comply with the duties and powers under existing legislation, as appropriate.
5	Marine Risk Assessment	Ensure all marine risks are formally assessed and are eliminated, or as low as reasonably practicable in accordance with good practice.
6	Marine Safety Management System	Operate an effective marine safety management system (MSMS), which has been developed after consultation, is based on formal risk assessment, and has an appropriate approach to incident investigation.
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.
8	Competence	Use competent people (i.e., trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.
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 three-years.
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.

2.1 Argyll and Bute Council and the Code

Argyll and Bute Council is a **Statutory Harbour Authority** at eight locations and a **marine asset owner** at a further 28 marine facilities located throughout the Council area; in total that accounts for 36 ports, harbours, piers and marine facilities. The Council's Statutory Harbour Authorities are namely:

1. **Bruichladdich Pier**, by virtue of the 'Islay Piers Order, 1904'.
2. **Campbeltown Harbour**, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'.
3. **Carradale Harbour**, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
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'.

The Council is the marine asset owner and, in most cases, operator of 28 piers, wharves and slipways. Some of these marine assets are located within the jurisdiction of another Statutory Harbour Authority (for example, Kilcreggan and Helensburgh Piers are located in Clydeport's harbour). Others are located outside of Harbour Authority boundaries (for example, Iona and Fionnphort). In all situations, the Council is responsible for marine safety and must manage these facilities in compliance with the requirements of the Code.

2.2 Assurance audits

The primary role of the Designated Person is to provide independent assurance about the operation of the marine safety management system. This is achieved through assurance auditing at ports, harbour, piers and other marine facilities. The following audits were conducted during 2024:

- 21 July 2024 to observe an act of Pilotage at Campbeltown, with a second visit on 03 September 2024 to review harbour operations.
- 03 to 04 September 2024: Carradale Harbour, Tayinloan Pier and West Loch Tarbert.
- 12 September 2024: middle Pier in Coll harbour, on the Isle of Coll.

3 Audit Outcome

The following section provides the outcome of the audits as a comparison against the Code's ten key measures. The following colour coding is used:

	A red identifies a non-compliance with the requirements of the Code or a breach of legal obligations, which may also compromise marine safety, environmental safety or presents a significant reputational risk.
	An amber is an Opportunity for Improvement, such as an update to information, procedural change, or a non-conformity with local operating instructions; addressing these items may improve the overall system standard.
	A green indicates an area of the Code which is delivered satisfactorily.
	Areas of best practice have also been identified as part of the audit's outcome.

Table 2. Campbeltown Harbour 2024

No	Ten Key Measures Required for Successful Implementation of the Code		RAG
1	Duty Holder	The Council has a Duty Holder and a Harbour Board. Amber: Not all members of the Harbour Board have attended Duty Holder Training, an awareness visit would be advantageous.	Amber
2	Designated Person	Argyll and Bute Council has an appointed Designated Person. The Designated Person provides an annual briefing to the Duty Holder and Board.	Green
3	Legislation	The MSMS lists local Acts and Orders. Amber: Campbeltown Harbour limits on the chart do not match the Marine Directorate data layers.	Amber
4	Duties and Powers	Use of Powers of Direction and CHA duty was checked. Amber: The Council does not have a process for checking commercially operated Coded vessels in its ports and harbours.	Amber
5	Marine Risk Assessment	Marine Risk Assessment are in place and fully reviewed. Amber: Whilst Council staff are engaged in risk assessment reviews, there is limited evidence of wider stakeholder input.	Amber
6	Marine Safety Management System	The Council issues an MSMS covering all ports, harbours and piers Amber: There is no Standard Operating Procedure (SOP) on how Special Directions are given or recorded by the Harbour Master Team.	Amber
7	Review and Audit	The Council has an external audit structure in place. Amber: There was no evidence that Pilotage had been reviewed when the new Pilot Manual and Directions were issued in 2021.	Amber
8	Competence	Training records are held centrally in MHR iTrent. A&BC uses a dedicated harbour training matrix which identifies the skill set needed by Marine Staff at each location.	Green
9	Plan	The 'Marine Safety Plan' was approved for issue by the Harbour Board on 21 March 2024, and is included as a Board Meeting annex. The Marine Safety Plan is hosted on the A&BC's website.	Green
10	Aids to Navigation	As the Local Lighthouse Authority, the Council meets and exceeds the availability criteria: Category 2 = 99.76% (target is 99.0%), Category 3 = 100% (target is 97.0%).	Green

Items of best practice noted during the Campbeltown audit include the following topics:

- 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.

Table 3. Coll and Kintyre 2024

No	Ten Key Measures Required for Successful Implementation of the Code		RAG
1	Duty Holder	The Council has a Duty Holder and a Harbour Board. Amber: Not all members of the Harbour Board have attended Duty Holder Training, an awareness visit would be advantageous.	Amber
2	Designated Person	Argyll and Bute Council has an appointed Designated Person. The Designated Person provides an annual briefing to the Duty Holder and Board.	Green
3	Legislation	The MSMS lists local Acts and Orders. Amber: Only part of the 'Carradale Pier' Act is held by the Council, the whole act should be obtained from Parliamentary archives.	Amber
4	Duties and Powers	Use of Powers of Direction and enforcement was checked. Amber: There is no towage guidance issued for Carradale Harbour.	Amber
5	Marine Risk Assessment	Marine Risk Assessment are in place and fully reviewed. Amber: Whilst Council staff are engaged in risk assessment reviews, there is limited evidence of wider stakeholder input.	Amber
6	Marine Safety Management System	The Council issues an MSMS covering all ports, harbours and piers Amber: Further development of specific SOPs for Carradale, Tayinloan, West Loch Tarbert and Coll would be desirable.	Amber
7	Review and Audit	The Council has an external audit structure in place. Amber: There is no internal audit schedule, audits are arranged to meet specific requirements.	Amber
8	Competence	Training records are held centrally in MHR iTrent. A&BC uses a dedicated harbour training matrix which identifies the skill set needed by Marine Staff at each location.	Green
9	Plan	The 'Marine Safety Plan' was approved for issue by the Harbour Board on 21 March 2024, and is included as a Board Meeting annex. The Marine Safety Plan is hosted on the A&BC's website.	Green
10	Aids to Navigation	As the Local Lighthouse Authority, the Council meets and exceeds the availability criteria: Category 2 = 99.76% (target is 99.0%), Category 3 = 100% (target is 97.0%).	Green

One item of best practice was noted:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability for Category 3 and 99.76% for Category 2 Aids.

3.1 Assurance audit outcome

The Campbeltown Audit summarised in Table 2, demonstrates that the standard of the Code was met. Additionally, the Coll and Kintyre Harbours and Piers audit also met the expectation of the Code; noting that Carradale is a Statutory Harbour Authority and middle Pier on Coll, Tayinloan and West Loch Tarbert are marine facilities.

It should be noted that several observations were made at West Loch Tarbert.

The lack of direct oversight of this location has led to marine users discarding unwanted nets, engine oil, debris and for general fly-tipping. Monitoring is conducted remotely and remains a cause for concern from a marine safety and risk to marine pollution perspective.

4 Delivery Plan and Activities

During 2024, the Designated Person has attended the following:

- Meetings:
 - 21 March 2024: Designated Person presentation to the Harbour Board via MS Teams.
 - 25 October 2024: Duty Holder Training, attended via MS Teams.

The generalised plan for the Designated Person in 2025 includes an annual meeting with the Duty Holder and attendance at Harbour Master meetings. The audit delivery dates are shown below:

- August/September 2025: Ellenabeich Pier, Easdale Slips, Cuan Ferry Slip.
- August/September 2025: Dunoon.

5 Designated Person Summary

The Council is responsible for eight Statutory Harbour Authorities and 28 marine facilities; all of which are required to operate to the standard of the Port Marine Safety Code.

The audits carried out at Campbeltown Harbour, Carradale Harbour, Tayinloan Pier, West Loch Tarbert and middle pier (Coll) during 2024 have identified through evidence sampled during the audit and onsite observations, that the Council has met the minimum requirement of the Port Marine Safety Code.

The Duty Holder is advised to confirm its compliance with the Code to the Maritime and Coastguard Agency at the next reporting opportunity. It should be noted that the Port Marine Safety Code has been updated and is expected to be reissued by Government in March or April of 2025. It is possible that the 2025 Code will introduce new or amended requirements and will therefore require a comparison with existing provisions before concluding the Council's compliance status. Following the 2025 Code's publication, the Council will have between 6-12 months to make its self-declaration as part of the national Compliance Exercise. Given the anticipated timescales, the Compliance Exercise is expected to take place *circa* October 2025 to April 2026; this timescale will be confirmed by the MCA in due course.

6 References

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

Department for Transport, 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.

7 Abbreviations / Acronyms

A&BC	Argyll & Bute Council
CHA	Competent Harbour Authority
DfT	Department for Transport
DP	Designated Person
GtGP	Guide to Good Practice
MCA	Maritime and Coastguard Agency
MS	Microsoft
MSMS	Marine Safety Management System
PMSC	Port Marine Safety Code
RAG	Red/Amber/Green
UK	United Kingdom

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

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