

## Appendix 2

### 1. Council Health and Safety Policy

[Corporate Health and Safety Policy](#)

## **Moorings Policy**

### **1. Introduction**

To manage moorings within Argyll and Bute Council Harbour Authority areas a licensing system is in operation. A properly licensed and consented mooring provides security of tenure for boat owners while protecting the interests of other marine users.

Navigation in coastal waters is a public right, including casting an anchor while in the course of navigation. The laying of a permanent mooring or other equipment to hold a vessel, however, is not part of the public right and requires Crown Estate consent.

There are three types of Crown Estate Scotland mooring licence:

**Individual Mooring Licence**, suitable for private individuals.

**Commercial Mooring Licence**, for those operating a business utilising the mooring(s), such as ferry operators, boatyards, charter boats and diving vessels.

**Mooring Association Licence**, once established, a Mooring Association is given a lease for an area of seabed enabling it to manage the moorings in their specific area. The advantage of being part of a Mooring Association is that the annual charge is half the standard charge per mooring for groups of ten or more.

Although a mooring licence from Crown Estate Scotland runs indefinitely (provided the annual fee payment is made) the licence holder or Crown Estate Scotland can bring it to an end at any time by giving the relevant notice of termination, as will be set out in the Mooring Licence.

### **2. Argyll and Bute Council as Harbour Authority**

As well as the licence from Crown Estate Scotland, applicants will need to apply for statutory navigation consent from the Harbour Authority Harbour Master. The purpose of the navigation consent is to ensure that installing the mooring(s) will not constitute a hazard to navigation.

Argyll and Bute Council as Harbour Authority:

- a) Will not take the role currently carried out by Crown Estates who are and will remain the owners and managers of the seabed in Argyll and Bute Council Harbour Authority areas.
- b) Licences issued by Crown Estates for moorings are and will remain valid, irrespective of the Harbour Authority, whether for individual, commercial or mooring association administered moorings.
- c) There will be no additional charge made by the Harbour Authority for existing moorings.
- d) Renewal of Crown Estates licences for existing registered moorings will not be subject to any charge from the Harbour Authority.

e) Any new mooring applications made to Crown Estates will be granted consent so long as there are no objections or conflict to safe navigation for harbour users. The Harbour Authority may charge for the administration of new mooring applications in the future.

*Note: Argyll and Bute Council fees and charges are set annually by the Council.*

f) Conflicts of interest and objections can be raised, discussed and mediated through the stakeholder user's forum and the Harbour Master.

Kirsty Flanagan

Executive Director and Duty Holder

Development and Infrastructure Services

Argyll and Bute Council

## **Harbour Consultation Policy**

### **1. Introduction**

Argyll and Bute Council is a Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA) at eight locations and a marine asset owner at a further 28 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

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'.
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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 a 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.

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.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Ports & Marine Facilities Safety Code.

## **2. Consultation and the harbour engagement**

The Ports & Marine Facilities Safety Code emphasises the importance of stakeholder engagement and effective consultation by all Harbour Authorities with its harbour community and beneficiaries. This includes all those who use our harbours in some way, as well as those that represent them.

### **3. Argyll & Bute Council as Harbour Authority agree to:**

1. Consult as early as is practicable with stakeholders and beneficiaries when changes to Argyll & Bute Council legislation and policy are being considered.
2. Consult widely with port and harbour users and other relevant stakeholders in respect of navigational safety issues and proposed changes to navigational arrangements.
3. Include appropriate Argyll & Bute Council staff in the consultation process.
4. Include appropriate practicing Harbour users in the ongoing work to identify navigational hazards, assess the risk of such hazards and recommend appropriate control and mitigation measures.
5. Provide regular feedback on the Authority's performance, in particular its compliance with the Port Marine Safety Code, to all stakeholders and beneficiaries.
6. Publish an annual review of Argyll & Bute Council's activity and achievements through the Marine Safety Action Plan.
7. Publish policies, plans and periodic reports that may be required to demonstrate compliance with standards.

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Executive Director and Duty Holder

Development and Infrastructure Services

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## **Harbours and Piers Use Policy**

### **1. Introduction**

Argyll and Bute Council is a Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA) at eight locations and a marine asset owner at a further 28 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

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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 a 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.

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.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Ports & Marine Facilities Safety Code.

## **2. Port Rules**

In order to maintain health, safety, security and order at Argyll & Bute Council ports and piers, it is a condition of entry that Port Rules are complied with. When entering an Argyll & Bute Council port you are agreeing to abide by these Rules. If any person becomes aware of any breach of these Rules, they should in the interests of health, safety and security report the breach to Argyll & Bute Council via the appropriate Harbour Master. Where Argyll & Bute Council becomes aware of any person failing to comply with these Rules, the Council has the right to refuse access to the Port and to remove such person, vehicle or vessel from the Port. Any continued or serious breach of these Rules may result in future access being denied whether a formal ban has been served or not.

## **3. The Rules**

By entering or using an Argyll & Bute Council (The Council) Port, Harbour or Pier you are agreeing to abide by these Rules for the benefit of all users.

1. All persons will be required to provide proof of identity to Council personnel or Port Security on request.
2. All vehicles, vessels, persons and their possessions may be subject to inspection and searches at any time, including on entry to and exit from the Port.
3. Illegal activity will not be tolerated and will be reported to the relevant authorities.
4. Pedestrians must stay within the confines of any marked pedestrian walkways whenever possible.
5. All persons must comply with all Council signage on the Port.
6. No dangerous substances or articles, explosives or weapon may be brought onto the Port other than as expressly permitted by the Council.
7. The Council reserves the right to refuse access to any person or to remove any person whom Council staff suspect to be under the influence of drugs or alcohol or whom Council staff otherwise consider to be a risk to the safety of themselves or others on the Port.
8. The Council reserves the right to refuse access to any person and remove any person who is unable to provide a legitimate reason for being on the Port or whom Council staff suspects does not have a legitimate reason to be on the Port.
9. Any unattended bags or other articles on the Port may be removed or destroyed by Port Security without any liability on the part of the Council.
10. Persons driving vehicles on any Port roads must be licenced and do so with care, while complying with all Port road signage and speed limits. Seat belts must be worn and handheld mobile phones or devices must not be used while driving. All vehicles are required to be road worthy, in a safe condition and properly maintained. Loads carried on or in vehicles must be adequately and safely secured. No trailers are to be coupled or uncoupled at the Port and must remain properly secured at all times.
  - a. Individuals or companies using the port or pier for any business reason must register their details with the Council and inform the Council if those details

change. It is the responsibility of all vessel owners to register their vessel with the appropriate Harbour Master's Office and to inform that Office in advance of intended port visits.

- b. It is the responsibility of individuals or companies using the port or pier to ensure that any applicable fees and charges are paid in full and in good time.
- c. Persons must conduct their activities at the Port at all times in such a way as to minimise any nuisance or disturbance to the Council, any other person at the Port, any other vessel or vehicle using the Port and the owners and occupiers of other land within or adjacent to the Port.
- d. All persons at the Port must follow any reasonable instructions given by Council personnel or Port Security.
- e. Verbal abuse or aggressive behaviour will not be tolerated.
- f. CCTV may be in operation throughout the Port and used in the detection of any breach of these Rules, unsafe practices, inappropriate behaviour or criminal activity. CCTV recordings may be used as evidence in proceedings.
- g. No photography or filming is permitted at the Port without the prior approval of the Council.
- h. Unauthorised use of drones over the Port is strictly prohibited.
- i. No person shall cause any damage to any property or any part of the Port or cause any contamination, pollution or harm to the environment.
- j. All persons at the Port must immediately report to Council personnel or Port Security any breach of these Rules, or any behaviour which they consider may be a breach of these Rules, or any behaviour or unsafe practices which may present a danger or give rise to a risk to health, safety, security, order, property or the environment at the Port.
- k. The Council is entitled to remove and ban any person from the Port (including any vessel at the Port) if the Council considers that their presence or behaviour may present a danger or give rise to a risk to health, safety, security, order, property or the environment at the Port, or if the Council considers that such person has breached or is attempting to breach any of these Rules or any applicable law.
- l. All children must be supervised.
- m. All persons must comply with the Harbour Byelaws and Directions applicable to the Port.
- n. These Rules are without prejudice to any other rights or remedies which the Council may have.

Kirsty Flanagan

Executive Director and Duty Holder

Development and Infrastructure Services

Argyll and Bute Council

## **Harbours Enforcement and Prosecution Policy**

### **1. Introduction**

Argyll and Bute Council is a Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA) at eight locations and a marine asset owner at a further 28 marine facilities located throughout the Council area. The Council's Statutory Harbour Authorities are namely:

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- Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.

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.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Ports & Marine Facilities Safety Code.

### **2. Enforcement**

Under the Ports & Marine Facilities Safety Code, Argyll and Bute Council is responsible for the effective enforcement of regulations made and directions given to assist in managing marine operations and ensuring safety of navigation within their harbours.

This is achieved by the Argyll and Bute Council Harbour Masters:

- Maintaining strategic and operational oversight of the activities in the Harbours to ensure the duties, responsibilities and powers of Argyll and Bute Council as statutory harbour authority or non-statutory asset owner are discharged but not exceeded.
- Liaising with, guiding and supporting any Harbour Operator as required to ensure safe and efficient operation of CalMac Ferry Services from non-staffed Argyll and Bute Council harbours and facilities.

Enforcement underpins navigational safety by ensuring compliance with legislation, byelaws or regulation. It requires effective surveillance, incident investigation, and leads, where appropriate, to sanctions imposed either by Argyll and Bute Council or when necessary, by the Courts. Argyll and Bute Council will ensure that any enforcement action taken is proportional to the risks posed by the breach of legislation, byelaws or regulation and the seriousness of the offence.

Any decision regarding enforcement action will be impartial and objective, and will not be influenced by race, gender, politics, sexual orientation, disability or religious beliefs of any alleged offender, victim or witness. Such decisions will not be affected by improper or undue pressure from any source.

A consistent approach to enforcement in similar circumstances will be adopted throughout the harbour network and effective liaison will be maintained with enforcing authorities. Enforcement will be concentrated on those activities which cause the greatest threat to public safety, employee safety and pose the greatest threats to the environment or undermine regulatory regimes, which have been created to protect and improve the environment and safety and prevent harm to human health.

### **3. Prosecution**

The objective of enforcement is to ensure that preventative or remedial steps are taken to protect public safety, the environment and to prevent or minimise, future breaches of legislation/byelaws/regulations. Prosecution of offences under relevant legislation is one of the ways of achieving that objective. Neither Argyll and Bute Council or any Harbour Operator will knowingly ignore any criminal or negligent act by any person or company which damages or threatens the environment or which flouts the law.

Enforcement Action may take the form of:

- Local Harbour Staff or Harbour Operator staff verbal warning.
- Harbour Master verbal or written warning.
- Marine Operations Manager written warning.
- Suspension or cancellation of berth or mooring.
- Prosecution under the relevant legislation.
- A combination of any of the above.

Should Argyll and Bute Council decide the situation warrants consideration of prosecution under the relevant legislation they will report incidents to the Police, Maritime and

Coastguard Agency (MCA), Marine Accident Investigation Branch (MAIB) and/or the Health and Safety Executive (HSE) to enable preparation of cases to the Procurator Fiscal.

Where the circumstances warrant, incidents may be reported to the enforcement agencies for consideration of reporting a case to the Procurator Fiscal without prior warning or recourse to alternative methods of enforcement. The purpose of any enforcement action is to promote the safety of the harbour and its users.

#### **4. Procedures**

This policy is based on education in the first instance and generally only reverting to prosecution for repeat offenders, for offences bringing significant risk of serious injury or loss of life or for when users threaten harm or abuse to harbour staff.

Argyll and Bute Council recognise that most harbour users want to comply with the law. Therefore, where it can Argyll and Bute Council will help users to meet their legal obligations without unnecessary expense, while taking firm action – including prosecution where appropriate – against those who flout the law or act irresponsibly.

Argyll and Bute Council will provide information and advice in plain language on the rules that apply and will disseminate them as widely as possible. Argyll and Bute Council will provide encouragement and support to ensure their legal powers are used appropriately and proportionately to improve and safeguard public health, public safety and the environment.

Argyll and Bute Council will:

- Maintain through regular reviews, a relevant and effective regulatory framework, consistent with national legislation, ancillary regulations and byelaws.
- Ensure that effective enforcement procedures are developed and maintained that comply with national legal requirements and guidelines.
- Ensure that effective investigation procedures are developed and maintained that support the enforcement process, and meet the requirements of the navigational Safety Management System in respect of identifying, promulgating and making good use of any 'lessons learned'.
- Ensure that all staff involved in incident investigation, or who are required to follow Argyll and Bute Council enforcement procedures, receive effective and relevant training.
- Ensure all navigational incidents and breaches of regulations are investigated.
- Maintain an effective surveillance and audit regime to monitor compliance with, and detect breaches of, relevant national and local regulations.
- Respond to breaches of regulations, by imposing a sanction appropriate to the circumstances, or initiating a prosecution where the facts warrant, and it is in the public interest to do so.
- When bringing prosecutions, observe the Crown Office and Procurator Fiscal Service Prosecution Code.

In appropriate cases Argyll and Bute Council will seek to recover the costs of taking enforcement action following a conviction. Any award of costs will be for the court to determine.

Kirsty Flanagan  
Executive Director and Duty Holder  
Development and Infrastructure Services  
Argyll and Bute Council

## **Marine Conservancy & Hydrographic Policy**

### **1. Conservancy Duty**

Argyll and Bute Council, as Harbour Authority, has a duty to conserve its harbours to ensure that they are fit for use and a duty of reasonable care to see that its harbours are in a fit condition for vessels to use them safely. The Harbour Authority also has duties and powers as the Local Lighthouse Authorities (LLA), to provide Aids to Navigation (AtoN) and place these in the optimum positions which are suitable for all conditions.

Argyll and Bute Council's Harbour Authority Conservancy Duties include:

- Survey as necessary, using appropriately detailed surveys, to identify the best navigable channels for vessels to navigate.
- Find and mark the best navigable channels.
- Place and maintain AtoN in the optimum positions.
- Keep a 'vigilant watch' for any changes in the seabed affecting the channel or channels and move or renew navigation marks as appropriate.
- Keep proper hydrographic and hydrological records.
- Publish as conspicuously as possible, navigational information, and navigational warnings to harbour users.
- Provide regular returns to the General Lighthouse Authority (the Northern Lighthouse Board) on AtoN in its Statutory Harbours.

Argyll and Bute Council may regulate, manage, mark and light the harbour and provide accommodation and harbour facilities in the harbour.

### **2. Hydrographic Survey**

Argyll and Bute Council is responsible for establishing and pursuing a programme of harbour hydrographic surveys. Its responsibilities include:

- Responsibility for all hydrographic surveying and associated record keeping for harbour areas carried out to International Hydrographic Organization (IHO) Special Order standard.
- Ensuring the frequency and methodology for hydrographic survey operations is determined primarily by risk assessment, rather than by the blanket adoption of a set of rigid criteria.
- Supply information to the UK Hydrographic Officer to allow the update of Admiralty charts and publications.
- Making current survey information available to harbour users and scheduled ferry operators.
- Liaising with the UK Hydrographic Office to improve the relevancy and accuracy of harbour charted information.

The Marine Operations Manager has in place a survey programme contracted to a competent hydrographic survey provider.

### **3. Tidal Heights and Meteorological Conditions**

Argyll and Bute Council has installed equipment within its harbours to enable observations of the rise and fall of the tide to be made.

Within its Statutory Harbours, tidal height observations and readings are subject to regular visual check against a local tide staff board to ensure correct operation and repair and maintenance is contracted to a competent provider.

In addition to tidal information, Argyll and Bute Council also monitor and record data on prevailing conditions such as wind strength and direction and barometric pressure.

### **4. Dredging**

The results of hydrographic surveys are analysed to establish the need for maintenance dredging in Argyll and Bute Council Statutory Harbour Authorities. Dredging is also considered at the 28 Marine Facilities operated by the Council.

All dredging operations will potentially be subject to a Marine Licence from the Marine Directorate, which includes consideration of an Environmental Impact Assessment (EIA) and/or a Best Practicable Environmental Option (BPEO) assessment for the dredge and disposal activity. Notice of such operations is communicated to all harbour stakeholders and publicised as for survey operations.

It is also considered best practice by Argyll and Bute Council to undertake, when necessary, a local EIA for any operation/process with the potential to affect the local flora and fauna.

### **5. Aids to Navigation (AtoN)**

Under the Merchant Shipping Act 1995 Section 193, each Statutory Harbour Authority (SHA) is the local lighthouse authority (LLA) for the area within which it exercises its statutory powers and duties.

All navigational marks and lights owned by Argyll and Bute Council will be maintained in accordance with the availability criteria published by 'The International Organization for Marine Aids to Navigation' (IALA) and regulated by the General Lighthouse Authority (the Northern Lighthouse Board (NLB)). To meet these criteria, a rolling-programme of inspection and maintenance is undertaken through a competent external contractor. The Council will oversee planning and implementation of a programme of maintenance of AtoN to achieve IALA availability criteria.

Argyll and Bute Council as LLA, will not erect, remove or vary the character of any lighthouse, buoy or beacon without the approval from the NLB.

### **5.1. Review of Aids to Navigation**

Risk assessment and on-going consultations to determine the requirement for AtoN in Argyll and Bute Council harbour areas. A program of review with a periodicity not exceeding 5-years has been developed locally, this should where possible align with the general risk assessment for the harbour itself.

### **5.2. AtoN Failures, Maintenance and Inspection**

It is the responsibility of the Harbour Master to:

- Subject all Argyll and Bute Council harbour and approaches, AtoNs and associated risk assessments to annual review with harbour users or at specific locations following an incident/accident.
- Report AtoN defects.
- Assess navigational hazards and if deemed urgent, report and take the necessary local action commensurate with level of risk.
- Ensure Very High Frequency (VHF) broadcasts of urgent local navigational warnings are promulgated as required.

The implications of an outage are risk assessed by the Harbour Master in consultation with the Harbour Operator and an appropriate course of action adopted.

The Harbour Master will ensure notification is sent to the UKHO and all port users of 'Failures and Alterations' to AtoNs. The Harbour Master will immediately issue a Notice to Mariners (NTM) if a perceived danger deems to exist for safe navigation or, at a later period if the outage lasts longer than 7 days, or if the advertised characteristics of the AtoN will be affected.

The Harbour Master is responsible for promulgation of urgent notifications initially by local VHF broadcast and/or through Coastguard Operation Centres (CGOC).

All failures, audits and maintenance activities undertaken on AtoNs are managed in accordance with the Argyll and Bute Council safety management system.

## **6. Inspection and maintenance**

Argyll & Bute Council, as a Marine Asset owner, acknowledges its responsibility to operate these facilities in good repair and fit for their intended purpose. This is achieved through:

- Harbour Masters monthly reporting of harbour defects to the Marine Operations Manager.
- A programme of infrastructure inspection and scheduled maintenance, delivered centrally by the Marine Operations Manager's Team.

## 9. Wrecks, Abandoned Vessels and Salvage

Where there is a wreck in, or near the approaches to the harbour, it is the responsibility of the Harbour Master to initially exercise their delegated authority to mark wrecks that in their judgement are or are likely to become a hazard to navigation. They will be lit and buoyed until raised, removed or destroyed. In the case of small wrecks this may be expedited by the Harbour Master in consultation with the Marine Operations Manager. More significant wrecks or navigational hazards will be the responsibility of the Harbour Master to mark that, in their judgement, are or are likely to become a hazard to navigation. They will be lit and buoyed until raised, removed or destroyed.

Due regard will be made to the duty to protect the environment in the exercise of this and all other duties and powers. A risk assessment will be undertaken of any wreck in, or near the approaches to the harbour with the aim of reducing the risk of danger to navigation to as low as reasonably practicable.

In the event of a vessel becoming a wreck in or near the approaches to harbour limits, the process of removing the wreck is laid down in Section 252 of the Merchant Shipping Act 1995. In event of a wreck on the approaches to the harbour, the Harbour Authority may:

- Take possession of, raise, remove or destroy the whole, or any part of the vessel, and any other property to which the power extends.
- Light or buoy the vessel until it is raised, removed or destroyed.
- Subject to various restrictions, sell the vessel or part of the vessel so raised or removed and any other property recovered during the exercise of the above powers.

Harbour Masters have powers under the Harbour, Docks and Piers Clauses Act 1847 (subject to incorporate into the relevant local act) under Sections 52, 56 and 57, to remove any unserviceable vessel located within the harbour and should do so wherever these present a risk to safety. Unserviceable vessel removal should be carried out in consultation with the Marine Operations Manager.

A Harbour Master may give a 'Dangerous Vessel' direction to remove a vessel from the harbour if, in their opinion, its condition is such that it poses a grave and imminent danger to the safety of any person or property from entering the harbour. This direction may be amended by the Secretary of State (SOSREP) who also has powers to intervene and give directions.

Kirsty Flanagan  
Executive Director and Duty Holder  
Development and Infrastructure Services  
Argyll and Bute Council

## **Marine Training Policy**

### **1. Introduction**

It is Argyll and Bute Council policy that its Harbour teams, officers and staff are to be suitably qualified, trained and competent to the National Occupational Standard to fulfil their roles. The Organisation achieves this through demonstrating competence in critical areas of harbour safety.

### **2. Training Delivery**

Appropriate and effective training and the associated knowledge and skill of marine personnel are essential elements that enable the facilitation and management of navigational safety. To that end, and in compliance with the requirements of the Ports & Marine Facilities Safety Code (PMSC), Argyll and Bute Council shall:

- Ensure new staff receive induction training;
- Ensure that the annual training requirements, including in-house, emergency and counter-pollution training, for each member of staff will be assessed and a programme implemented;
- Training needs will be considered during job appraisal;
- Adopt the levels of knowledge and skill for marine personnel associated with the international, national and local standards in support of the PMSC or demonstrate and document that any standards adopted are fully equivalent;
- Ensure that adequate resources are made available to maintain the established standards of knowledge and skill required by marine personnel;
- Assess the suitability of all persons appointed to positions with responsibility for safety of navigation to ensure the required standards of knowledge and skill are met;
- Ensure that all marine personnel are competent to perform the duties allocated to them and are encouraged to develop their skills and expertise beyond that immediately necessary to perform their primary functions so that they are well equipped and prepared for further advancement and career development;
- Establish and maintain an appropriate and effective ongoing schedule of marine training for marine staff;
- Ensure Continuous Professional Development (CPD) is included through annual staff reviews and appraisals;
- Promote the involvement of port users, allied services and other stakeholders in Argyll and Bute Council training programme as necessary;
- Facilitate and encourage exchange training and familiarisation between different marine disciplines as required;
- Establish and maintain an effective ongoing schedule of emergency management and response training and exercises;

- Establish a regular review and assessment programme of all Argyll and Bute Council marine training to ensure that standards are maintained, and that training is appropriate, relevant and cost effective;
- Ensure that personnel involved in the design and facilitation of training and assessment are appropriately qualified; and
- Ensure that appropriate training records are maintained.

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Executive Director and Duty Holder  
Development and Infrastructure Services  
Argyll and Bute Council

## **Navigational Safety, Pilotage & Towage Policy**

### **1. Introduction**

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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 a 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.

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.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Ports & Marine Facilities Safety Code.

### **2. Navigational Safety**

Under the Ports & Marine Facilities Safety Code, Argyll and Bute Council is responsible for the effective enforcement of regulations made and directions given to assist in managing marine operations and ensuring safety of navigation within their harbours.

This is achieved by the appointed Harbour Masters:

- Maintaining strategic and operational oversight of the activities in the Harbours to ensure the duties, responsibilities and powers of Argyll and Bute Council as Statutory Harbour Authority or non-statutory asset owner are discharged but not exceeded.
- Liaising with, guiding and supporting any Harbour Operator as required to ensure safe and efficient operation of CalMac Ferry Services from non-staffed Argyll and Bute Council harbours and facilities.

### **3. Safety Management System**

Argyll and Bute Council has developed and maintain an effective Marine Safety Management System (MSMS) based on continuing assessment and mitigation of risk.

In doing so the Council:

- Consult widely with port and other relevant stakeholders in respect of navigational safety issues.
- Review regularly the effectiveness of, and if necessary, seek amendments to, legal powers, Byelaws and Directions in respect of navigational safety.
- Review regularly duties and powers to maintain an up to date set of Directions and Byelaws in respect of navigational safety and enforce them to effectively regulate and facilitate harbour use.
- Designate suitable anchorages and/or mooring locations.
- Monitor and maintain lights and marks used for navigation within their jurisdiction.
- Make and promulgate hydrographical surveys and berth inspections.
- Keep berth areas free from underwater debris.
- Provide suitable plans for emergency situations.
- Ensure that appropriate competency and safety standards are laid down for passenger, freight and other commercial operations.
- Provide effective management and co-ordination in response to emergency situations within the area of jurisdiction.

### **4 Marine Risk Assessments**

All harbours within Argyll and Bute Council's area of responsibility are 'open ports', this means that they have a general public right of navigation on tidal waters and are open for use, on the payment of advertised dues.

It is the responsibility of the Harbour Master to assess, compile and maintain Marine Risk Assessments for the harbours for which they have responsibility. Marine Risk Assessments follow the guidance issued in the 'Ports & Marine Facilities Safety Code' and its accompanying guidance documents.

Areas that are to be considered when undertaking a Marine Risk Assessments include:

- Whether the harbour has direct and easy access to the open sea or whether it has a long approach channel.
- Whether the harbour has dense traffic requiring a high degree of management and regulation or has little traffic in which the risk of collision is minimal.
- Whether the vessels using the harbour are of widely differing characteristics, which as a result could have consequences for other navigation and require the assignment of specified channels, e.g., deep draught vessels.
- Whether cargo is handled by ships at anchor, moored to buoys, or berthed alongside.
- Types of cargo handled e.g., dangerous and pollutant goods, and their effect on other navigation.
- Numbers and types of recreational craft.
- Presence of high-speed craft, passenger ferries and local ferries.
- Availability and monitoring of the harbour through the 'Local Port Service' (LPS) equipment and onsite staff availability (some locations are unstaffed).
- Under-keel clearances, and / or draught restrictions.
- Harbour regimes, depth of water, sand banks, bars, shoaling patterns; meteorological conditions, tides and current.
- Proximity of the navigation channel to shore structures (particularly hazardous ones).
- Berthing locations and arrangements.
- Berth fitness and suitability (berthing forces).

The harbour, pier or slipway Marine Risk Assessments will identify the need for LPS and/or Vessel Traffic Services (VTS). The need for Pilotage will also be considered as a risk-based decision.

## **5. Vessel Traffic Management**

The harbour authority's primary duty is to ensure the safe and efficient use of the harbour by those who have a right to use it and navigate in its waters. This includes a duty to regulate navigation using available powers and other means.

Exercise of this function depends upon communication with mariners and other harbour users. As a minimum, the means of achieving this will be by use of marine Very High Frequency (VHF) radio that the Harbour Master will have provided in every staffed harbour location and operated by suitably qualified members of staff.

## **6. Promulgation of Information**

The Harbour Master will ensure navigational information including (but not limited to) water depth, navigational hazards, harbour works, navigational lights and marks are published in a range of publications including Admiralty charts, relevant sailing information and in Notices to Mariners. The UK Hydrographic Office is notified of any permanent or temporary change in navigational marks and hazards for appropriate publication.

If the Harbour Master or Harbour Operator becomes aware of any navigational hazard that is not presented on marine charts or other published navigational information, they will, having verified any reports received, publish a suitable warning. The Harbour Master may issue a warning by means of a Notice to Mariners and the Harbour Operator may issue a verbal warning via VHF traffic information broadcasts. Such navigational warnings may include (but not be limited to):

- Adverse weather conditions
- Shipping movements including STS Operations
- Changes in charted water depths
- Damaged or malfunctioning Aids to Navigation
- New or amended Aids to Navigation
- Wrecks or abandoned vessels
- New or temporary exclusion areas
- Works in harbour areas; and
- Miscellaneous safety warnings.

If the navigational hazard is not of a temporary nature, the Harbour Master is responsible for communicating with the UK Hydrographic if considered necessary to instigate changes to nautical charts and published information.

## **7. Vessel Traffic Services (VTS)**

VTS is designed to improve the safety and efficiency of navigation, safety of life at sea and protection of the marine environment and/or adjacent shore areas, worksites and offshore installations from possible adverse effects of maritime traffic.

Currently Argyll and Bute Council do not utilise VTS at any of the harbours under their control. The future requirements for VTS and the extent of the services provided will be based on the risk assessment process driven by changes to harbour utilisation and requirements and in accordance with the guidance in the Code and IMO Resolution A.857 (20).

## **8. Passage Planning**

Every vessel's navigational passage should be planned in adequate detail to/from the berth and with contingency plans such as abort positions and anchorages where appropriate when navigating in the areas of Argyll and Bute Council's jurisdiction. Any mariners operating a Vessel which proceeds to sea should ensure it is operated in accordance with SOLAS Chapter V Regulation 34.

Masters and Officers of the watch will use the above guidelines for voyage planning, implementing the following measures to ensure that they understand the risks to which they are exposed and take effective measures to reduce such risks including ensuring that there is a systematic organisation on board that provides for:

- Comprehensive briefing of all concerned with the navigation of the vessel.

- Regular monitoring of the vessel's position with the use of different methods to check against error in any one system.
- Using the information available from plots of other traffic to ensure against overconfidence, bearing in mind that with the number of vessels in this area other vessels may alter course and/or speed.
- Ensuring that the optimum and systematic use is made of all appropriate information that becomes available to the navigational staff.
- Pre-arrival/departure checks should be completed in good time prior to arrival within Argyll and Bute Council's areas of jurisdiction or departure from their berth.

Argyll and Bute Council reserve the right to require passage or pilotage plans to be submitted by any vessel using or passing through their harbour areas on a case-by-case basis whether vessels are piloted or not. Argyll and Bute Council reserve the right to commission independent passage plan checks on vessels not subject to compulsory pilotage and on every occasion following an incident. Harbour passage plans can be required using the powers of direction.

The future requirements for passage plans will also be based on the risk assessment process driven by changes to harbour utilisation and requirements. Any future requirements for the provision of passage plans will be implemented in accordance with the guidance in the Code.

## **9. Subsea Pipeline/Cables**

The Harbour Master will ensure that any Argyll and Bute Council harbour areas with interfaces with sub-sea cables and pipelines are specifically identified and addressed within the risk assessment process.

## **10. Pilotage**

### **The Argyll and Bute Council (Pilotage Powers) Order 2007 SSI/2007/3**

Argyll and Bute Council shall under the Argyll and Bute Council (Pilotage Powers) Order 2007 be a Competent Harbour Authority in respect of the harbours of Campbeltown for the purposes of the Pilotage Act 1987, and as the CHA, authorises Pilots to serve the whole area of jurisdiction as laid out in the Campbeltown Harbour and Burgh Act 1876, and as given in the Pilotage Direction so promulgated.

Argyll & Bute Council's responsibility in respect of Pilotage in its Harbours is to:

- Ensure that the operation of the Pilotage Services is compliant with National Regulations, Guidelines and Competency Standards. The Council will appoint competent and authorised Pilots.
- Keep under review its Pilotage Directions to ensure they are fully in accord with the Marine Safety Management System and guidance in the Port Marine Safety Code.

- Issue Pilotage Exemption Certificates (PEC) to bona fide deck officer of ships that meet the criteria laid down and monitor the performance and discipline of PEC holders in respect of requirements laid down in Pilotage Directions

In addition, the approaches to Dunoon, Kilcreggan and Rothesay harbours are situated within the jurisdiction of Peel Ports (Clyde), a Competent Harbour Authority for the purposes of the Pilotage Act 1987. In pursuance of its powers under Section 7 of the said Act, Peel Ports (Clyde) issues Pilotage Directions to ships navigating within the limits of its jurisdiction as defined in the Clydeport Authority Confirmation Act 1965 and subsequent amendment(s).

In doing so it specifies what criteria which will apply to vessels, Masters and Navigation Officers in determination of the requirement for pilotage within its waters.

Under the Pilotage Act 1987, Exemptions from Pilotage are available to bona fide Masters and Navigation Officers of regular traders, i.e. only the person in charge or the second in command of a vessel.

Candidates wishing to present themselves for a Pilotage Exemption Certificate within the Clyde area of jurisdiction must comply with their published requirements contained within their Pilotage Directions.

## **11. Ship Towage**

Currently there is no routine provision of towage services at any of the harbours for which Argyll and Bute Council are the Harbour Authority. Non-routine towage requests may be made by tug/tow operators and will only be acceptable if subject to a specific risk assessment, approved by the relevant Harbour Maser. Harbour users will be provided with guidance regarding *ad hoc* towage within Clubs and other similar Organisations.

Kirsty Flanagan  
Executive Director and Duty Holder  
Development and Infrastructure Services  
Argyll and Bute Council

## **Collection of Fees Policy**

### **1. Introduction**

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. The Council's Statutory Harbour Authorities are namely:

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'.
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 a 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 Ports & Marine Facilities Safety Code (PMSC).

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.

Argyll and Bute Council manages these ports, harbours and piers as the Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA). Additionally, the Council is the Marine Asset Owner at the further 28 piers, jetties and slipways with a range of duties and responsibilities described in the Port Marine Safety Code, health and safety, environmental and maritime legislation and guidance.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Ports & Marine Facilities Safety Code.

## **2. Register of working vessels at Argyll & Bute Council Ports, Harbours and Piers**

When entering an Argyll & Bute Council port owners and operators are agreeing to abide by the Council's Port Rules.

Fees and Charges are an essential part of port operations to help ensure services and infrastructure are maintained for all users. A register of all working vessels which use our ports and piers is just as essential to ensure that all business is conducted appropriately, that all vessels are properly insured and contact details for payments and correspondence are maintained.

It is the responsibility of all vessel owners to register their vessel at the appropriate Harbour Master's Office. The Harbour Master administers the facility on behalf of the Harbour Authority and may issue any communications necessary to carry out the operation of the facility.

The Harbour Master is to be informed of any change of address, phone number or other contact details used. The Harbour Master is also to be informed of any vessel being sold, if the vessel is to remain in the Harbour.

### **3. Payment of fees**

There are different methods available to pay fees to the Council and range from one off payment to long standing service agreements.

At the earliest opportunity is advisable that the appropriate Harbour Master is contacted to arrange method and period of payments so that an agreement can be put in place in good time.

### **4. Enforcement**

In smaller ports there is often a tight-knit community, where everyone knows each other and the port is a central part of the community. It can be difficult to pursue payment of fees when the users and staff are well known to each other, so frustrations and confrontational situations are best prevented by routine and prearranged agreements avoiding the need for enforcement.

Early advice must be sought if there are any reasons for non-payment of fees.

The Council will endeavour to collect all fees that are owed to ensure that all users of the services and facilities pay a fair share and can benefit from the maintenance and improvements afforded by the funds.

CCTV may be in operation throughout the Ports and piers and will be used in the detection of any breach of these Rules. CCTV recordings may be used as evidence in proceedings.

Kirsty Flanagan  
Executive Director and Duty Holder  
Development and Infrastructure Services  
Argyll and Bute Council