MARINE SAFETY MANAGEMENT SYSTEM
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PURPOSE

The Argyll & Bute Council Marine Safety Management System as described in this manual is for the advice and guidance of all ARGYLL & BUTE COUNCIL marine personnel.

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MARINE OPERATION PROCEDURES – DISTRIBUTION LIST

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1 INTRODUCTION

Argyll & Bute Council (ARGYLL & BUTE COUNCIL) own and manage a number of piers and harbours and as a Statutory Harbour Authority (SHA) has responsibilities and duties under health and safety, environmental and maritime legislation and guidance.

The Port Marine Safety Code (PMSC) ¹, revised in March 2015, is a Department for Transport document, written in consultation with the Port’s Industry to produce a code that has been developed to improve safety in UK ports and to enable harbour authorities to manage their marine operations to nationally agreed standards.

It provides the standard against which the policies, procedures and the performance of which ARGYLL & BUTE COUNCIL can be measured. It also describes the role of Argyll & Bute Harbour Board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of AERYL & BUTE COUNCIL.

ARGYLL & BUTE COUNCIL has a Marine Safety Management System (MSMS) that sets out the duties of management and staff to assist them in achieving this goal and to continually monitor and improve their standards.

Policy development

Organisational development

Developing techniques of planning, measuring & reviewing

Feedback loop to improve performance
1.1 PURPOSE

The purpose of this document is to describe, at a high level, the overall framework for the management and co-ordination of marine activities necessary for the effective facilitation of navigational safety.

The manual describes primary accountability and procedures, communication and monitoring regimes. The MSMS arrangements referred to in this manual comply with the Code.

This MSMS manual takes precedence over all previously issued ARGYLL & BUTE COUNCIL Marine Safety Control Documents.

The Marine Operations Manager (MOM) is responsible for maintaining the design, the overall content, approval and subsequent management of the MSMS.

As with many Argyll & Bute Council documents, the SMS is considered to be a “live” document and, as such, will be subject to change from time to time as circumstances alter. The document will be available for viewing online and links to other relevant documents will be provided to ensure that the latest versions of documentation are being viewed.

1.2 THE PORT MARINE SAFETY CODE REQUIREMENTS

The MSMS procedures and guidelines fulfil the requirements of the Port Marine Safety Code (PMSC) including but not limited to, the following:

- Making risk control the basis of all marine activities, procedures and regulations applied to or required of port users;
- Using risk assessment to identify the requirement for navigation aids;
- Applying risk assessment to all harbour works;
- Subjecting wrecks to risk assessment and programming periodic review;
- Maintaining systems to implement the findings of risk assessments;
- Identifying and designating safe pilot boarding and landing areas;
- Applying and adhering to current pilot transfer arrangement regulations;
- Reporting deficiencies on visiting vessels;
- Providing procedural advice for giving Directions in relation to dangerous vessels or substances;
- Regulating the use of harbour craft;
- Maintaining and developing a competence based training scheme to support delivery of all marine functions;
• Maintaining appropriate plans and procedures for emergency response and associated training \ exercises; and
• Using verification \ audit systems.

1.3 SCOPE OF MARINE SAFETY MANAGEMENT SYSTEM

The MSMS, as administered and managed by ARGYLL & BUTE COUNCIL, applies to marine operations and activities within ARGYLL & BUTE COUNCIL statutory areas of jurisdiction.

The scope of the MSMS includes:

• Commercial shipping operations;
• Marine leisure and sports activities; and

Marine operations undertaken by any support or service organisation; including ship and craft towage, pilot boarding and landing, mooring and line handling, dredging and other marine services, and the navigational activities of the emergency services and voluntary organisations.

1.4 MSMS COMPONENTS

ARGYLL & BUTE COUNCIL MSMS (described by this document) will be regularly reviewed and updated in line with good practice, and to reflect experiences and lessons learned both by ARGYLL & BUTE COUNCIL and by other ports and organisations (for example Marine Accident Investigation Branch (MAIB) reports).

The MSMS will help to ensure that the requirements of the PMSC are consistently achieved.

Argyll and Bute Harbours Board (ARGYLL & BUTE HARBOUR BOARD) has, in consultation with harbour users, undertaken navigational risk assessments and adopted a generic MSMS that applies in all of the harbours and marine facilities.

The MSMS focuses on the operational and administration of:

• Organisation (Section 3);
• Consultation (Section 4);
• Navigation Safety Policy (Section 5);
• Training (Section 6);
• Safety Planning (Section 7);
• Risk Assessment (Section 8);
• Emergency preparedness (Section 9);
• Conservancy (Section 10);
• Environmental (Section 11);
• Pilotage Policy (Section 12);
• Marine Services (Section 13);
• Measuring performance (Section 14);
• Reviewing (Section 15); and
• Recording (Section 16).

In order to cover the varying operational activities in each of the main harbours specific policies and procedures are set out in the appendix.

1.5  PURPOSE AND USE OF THE POLICIES

The primary purpose of the ARGYLL & BUTE COUNCIL “Safety and Marine Policies” is to provide an overall standard for marine operations throughout ARGYLL & BUTE COUNCIL areas of jurisdiction. They also provide a reference point for a variety of operational decisions including the selection of resources and the design and implementation of safe working practices.

1.6  COMMITMENT STATEMENT

The Executive Director, Development and Infrastructure Services as “Duty Holder” and the person with ultimate responsibility, has committed to compliance with the requirements of the PMSC. Furthermore, it is committed to ensuring that adequate resources are available to discharge its navigational safety obligations.

The purpose of this document is to show a link between the policies set by the Argyll Bute Harbours Board and the management arrangements, controls and provisions that discharge those policies.

The Duty Holder has confirmed, to the Maritime & Coastguard Agency (MCA), its continued compliance with the requirements of the PMSC.

1.7  POLICY REVIEW

The Marine Management Team proposes to undertake a formal review of all marine policies on a 3-yearly basis or as circumstances dictate.

1.8  SUMMARY

In summary, the primary objective of the MSMS is to
• Provide the organisation, arrangements and resources to manage marine activities safely;

• Recognise that people are ARGYLL & BUTE COUNCIL most important asset; and

• Ensure that due importance and priority is accorded to navigational safety issues.
2 KEY PERSONNEL & RESPONSIBILITIES

The principal roles identified within the structure are defined below:

2.1 ARGYLL AND BUTE HARBOURS BOARD

Executive Responsibilities and Terms of Reference

Marine Organisation

- Chief Executive
- Duty Holder
  (Argyll & Bute Harbour Board)*
- Director of Development
  Infrastructure
- Head of Economic Development
- Technical Staff
- Marine Operations Manager
- Harbour Master
- Assistant H/M’s / Pier Staff
- Designated Person
The Council has assessed the suitability of all persons appointed to positions with responsibility for safety of navigation and port operations. These match the competence standards associated with the Code or are fully equivalent.

2.2 3.3.2 ARGYLL & BUTE HARBOUR BOARD

ARGYLL & BUTE COUNCIL recognises that under the requirements of the Port Marine Safety Code, it is the Statutory Harbour Authority for all piers and harbours under its ownership and has delegated that function to the Harbour Board. The members of the Harbour have responsibility for providing policy direction to the officers and others involved in the operational management and use of these facilities, and for scrutinising the implementation of these.

The members of the Harbour Board have received specialist training to enable them to discharge their duties in respect of the Port Marine Safety Code.

The Argyll & Bute Harbour Board has assigned the post of Duty Holder to the Executive Director, Development and Infrastructure Services.

The Duty Holder has the responsibility for ensuring that ABC’s duties and powers as Harbour Authority are met. The Argyll & Bute Harbour Board is responsible for the proper exercise of its legal duties as a Harbour Authority and as the Duty Holder.

ABC as Harbour Authority has powers to appoint personnel, including the Marine Operations Manager and Harbour Masters, to manage the operation the harbour area. ABC also exercises a number of its functions as Harbour Authority through the Development and Infrastructure Director. However, Argyll & Bute Council through the Argyll & Bute Harbour Board retain ultimate accountability as the Competent Harbour Authority. Ref – Report to Harbour Board Aug. 2015

ABC as Harbour Authority along with the Duty Holder has a number of powers, duties and responsibilities:-

Duty to ensure an effective Safety Management System is in place as defined by the Port Marine Safety Code. This duty embraces:-

Development and maintenance of its harbours and areas to meet the requirements of port users and safe operation of its harbour areas;

Development and implementation of appropriate policies, plans and procedures;
Ensuring that risk assessments and reviews of the Safety Management System are undertaken as required;

Duty to adopt appropriate powers as required for effective enforcement of its statutory duties (Harbour Bye Laws & directions)

Responsibility for setting harbour dues at a level, which adequately funds the discharge of their duties;

Powers to appoint a Harbour Master / Port Marine Operations Manager

Duty to provide marine services and facilities to meet their obligations as Harbour Authority.

2.3 MEMBERS OF ARGYLL AND BUTE ARGYLL & BUTE HARBOUR BOARD

Councillor Ellen Morton (Chair)

Councillor Robert G Macintyre (Vice Chair)

Councillor John Armour

Councillor Iain Angus Macdonald

Councillor Alistair MacDougall

Councillor Alex McNaughton

Councillor John McAlpine

Councillor Elaine Robertson

Councillor Len Scoullar

Councillor Isobel Strong

2.4 DUTY HOLDER

The nominated Duty Holder is the Executive Director, Development and Infrastructure Services.

Marine Responsibilities of the Duty Holder

In respect of marine navigational safety:
• Discharges the duties and exercises the powers given to it, both directly and by delegation, as it considers appropriate.

• Discharges the function of “Duty Holder” as defined in the PMSC by ensuring compliance with the Code, and the safe management of navigation.

• Makes Recommendations to the Harbour Board and other appropriate committees within the Council.

• Reviews the performance of ARGYLL & BUTE COUNCIL against its strategic and operational objectives, plans and budgets.

### 2.5 OFFICERS

Jim Smith, Head of Roads and Amenity Services.

In respect of Marine Safety Operations:

- To lead the delivery and provision of Marine Operations ensuring that appropriate mechanisms are in place to deliver high quality services and best value to service users, and that agreed plans are implemented efficiently and effectively.

- To work cooperatively with others (including external organisations where appropriate) to meet and maintain the objectives of the Safety Management System.

- To provide effective management and team leadership.

- To proactively manage the health and safety of employees and ensure that all key elements of health and safety management are in place.

- To demonstrate resilience and integrity and lead through challenging circumstances.

- To develop service plans and continually review performance, striving to improve the quality and efficiency of Marine Operations.

- To recruit and train competent employees.

Stewart Clark, Marine Operations Manager

**Marine Responsibilities**

Responsible for the overall management of the Council’s Marine services, ensuring that appropriate mechanisms are in place to deliver high quality services and best value to service users, and that agreed plans are implemented efficiently and effectively. In addition, introduce continuous improvement in the performance of the service, responding positively to statutory, and other external and internal requirements.
In relation to Marine operations, ensure that:

- All Council piers and harbours are safe for operational use by mariners, including infrastructure and navigational aids.
- All ferry vessels are compliant and certificated for public service, including arranging for the annual inspections and maintenance.
- Ferry crews are appropriately qualified.
- Ferry timetables meet the needs of relevant communities.
- Those facilities which are ISPS approved remain compliant.
- Any necessary actions are taken as a result of attending Port Security meetings.
- The Council has a validated oil pollution response plan for harbours and the coastal environment.

2.6 HARBOUR MASTERS

Campbeltown  Steven Scally
Dunoon   Paul Lambert
Oban   Vicki Mckenzie
Rothesay  Steven Neilson

Harbour Master Roles and Responsibilities

Harbour Masters and their Assistants will support the Marine Operations Manager to develop the team’s service plans by working in partnership with colleagues (within and out with the service) and by taking personal responsibility for planning how these are delivered effectively and efficiently. In particular to take responsibility for:

a) Implementing Argyll and Bute Councils` Safety Management System.
b) Marine Risk Assessments.
c) Compliance with Port Marine Safety Code.

Harbour Masters and their Assistants will assist the Marine Operations Manager to ensure that high quality services and best value are delivered to service users by ensuring that all agreed plans are implemented efficiently and effectively. In particular:

a) Local by-laws and General Directions.
b) Compliance with the SMS in their ports and harbours.
c) Issuing Local Notices to Mariners.
d) Advising mariners of available water depths on approaches and in berths.
e) Health & Safety legislation.
f) Control of berthing and departure, loading, unloading, mooring of vessels.
g) The safety of all Harbour users, staff and members of the public.
h) Keeping records of all shipping movements.
i) To liaise with the Statutory Bodies as required.
j) To liaise with the Emergency Services as required.
k) Monitoring of Safety Traffic and Operation of VHF radio as required.
l) To ensure harbour/pier is kept clean, tidy and safe for public use and that all safety equipment is in good working order.
m) To inspect berths to ensure no obstruction to berthing.

Assistant Harbour Masters

The Authority employs Assistant Harbour Masters who aid and support the Harbour Master in the operation of the port. The Assistant Harbour Masters are vested with the same statutory discretions as the Harbour Master himself and are authorized to deputize for the Harbour Master, in his absence.

2.7 DESIGNATED PERSON

In meeting its obligations under the PMSC the ARGYLL & BUTE HARBOUR BOARD has appointed a ‘Designated Person’ (DP), being, David Phillips – Marico Marine & Risk Consultants Ltd, who maintains a right of direct access to the Duty Holder.

The role of the DP is to:

- Provide independent assurance that the Duty Holder has an effective and appropriate MSMS; and
- Provide the Duty Holder with independent and professional advice regarding ARGYLL & BUTE COUNCIL overall compliance with the requirements of the PMSC.
ARGYLL & BUTE COUNCIL is the Statutory Harbour Authority (SHA). The Council has established the
ARGYLL & BUTE HARBOUR BOARD to:

- Oversee the operation, maintenance and development of all of the Council’s
  harbour facilities on its behalf; and
- Advise on all matters relating to the strategic management of the Council’s function
  as harbour authority.

The current members of the ARGYLL & BUTE HARBOUR BOARD are listed in Section 2.1.

The Duty Holder, with respect to the PMSC, is the Executive Director of Development and
Infrastructure Services.

The ARGYLL & BUTE HARBOUR BOARD considers that current legislation gives them adequate
authority to exercise their responsibilities as described in this document and in accordance with the
PMSC. The legislation that applies to individual harbour facilities is contained in the appropriate
appendix but the following legislation and Regulations apply to all harbour facilities:-

- Harbours, Docks and Piers Clauses Act 1847;
- The Transport Act 1947;
- The Transport Act 1962;
- Harbours Act 1964;
- British Railways Act 1967;
- The Transport Act 1968;
- The Transport Act 1981;
- Dangerous Vessels Act 1985;
- International Marine Dangerous Goods Code 2014;
- Control of major accident hazards regulations (COMAH).
- Dangerous Goods in Harbour Areas Regulations 2016 (DGHAR) from 1 October
  2016
- Pilotage Act 1987;
- Merchant Shipping Act 1995;
- Railways & Transport Safety Act 2003;
- MS (Vessel Traffic Monitoring and Reporting Requirements) Regs.2004/2011;
- Port State Control Regulations 2011;
- Marine Navigation Act 2013;
• Marine Scotland Act 2010;
• Port Marine Safety Code;
• Health & Safety at Work Act 1977;
• International Regulations for Preventing Collision at Sea 1972; and
• Safety in Docks ACOP 2014.
• International Ship and Port Security Code

Argyll and Bute Council and the ARGYLL & BUTE HARBOUR BOARD set policy and the officers and staff provide the means of implementation. Any decisions taken or policy set must take into account any issues related to harbour safety. The consideration of such issues will be recorded.

The Marine Operations Manager (MOM) is responsible for the day-to-day management of marine safety risks and for reporting through the Head of Roads and Amenity Services to the Duty Holder. The MOM is responsible for ensuring that:

- Staff put into practice the Safety Policy.
- Appropriate insurance, licences, instructions and publications are in place, available to staff and displayed, as necessary.
- Facilities are provided up to the standards set in the policy. Such facilities include the harbour infrastructure, harbour craft, pilotage and equipment to be used in the event of emergencies.

The MOM has the role of Emergency Planning Officer for all of the harbour facilities and is the coordinating officer responsible for planning and responding to marine incidents. He is also the officer responsible under the Oil Spill Contingency Plan for maintenance of the Plan and response to incidents. Argyll and Bute Council also has an emergency planning officer who is responsible for planning and response to major incidents.

Campbeltown (see Annex A) is currently the only harbour where formal pilotage arrangements are in place. The pilots, contracted through Campbeltown Pilots Ltd, are responsible for the safe pilotage of large vessels within Campbeltown harbour and approaches and for reporting marine risks, incidents and near misses to the Harbour Master.

ARGYLL & BUTE HARBOUR BOARD shall assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation.

As defined in the PMSC, the Designated Person is responsible for auditing the marine safety system and reporting to the Duty Holder on the level of effectiveness and performance of the System. Marine & Risk Consultants Ltd has been appointed as the Designated Person to provide this function.
An organisation plan showing reporting lines and job titles for all staff is set out on the following page.
The following chart presents the organizational structure relating to the MSMS.
3.2 MSMS AND ARGYLL AND BUTE HARBOURS BOARD

The ARGYLL & BUTE HARBOUR BOARD will:

1. Identify, quantify and manage the significant marine risks associated with the Council’s harbours, their approaches and associated activities. This will ensure that there is appropriate control exercised over vessel movements by, where necessary, regulating the safe arrival, departure and movement within the harbours of all vessels.

2. Maintain, protect, improve and regulate the safe navigation of all vessels in the Council’s harbour areas by:
   a. Ensuring that all harbours and marine facilities remain safe for all harbour users to undertake their business and activities, with the risk of injury as low as reasonably practical.
   b. Having an effective system for promulgating navigation warnings affecting the harbours.
   c. Consider the effect of weather on harbour safety and see that the broadcast warnings are accessible.
   d. Designating suitable anchorages.
   e. Monitoring lights and marks used for navigation.
   f. Regularly reviewing the need for pilotage and authorising suitable trained and experienced pilots to provide an efficient and safe pilotage service.
   g. Providing resources to deliver marine services.

3. Ensuring that suitable plans for emergency situations are maintained, regularly updated and exercised so that ARGYLL & BUTE HARBOUR BOARD will respond effectively to emergency incidents in order to minimise adverse impacts.

4. Carrying out all of its functions with particular regard to the potential for adverse environmental impact and the need to protect the marine environment, landscape, heritage and amenity facilities.

5. Maintaining up-to-date Byelaws in consultation with harbour users and enforcing them appropriately so as to effectively regulate harbour use.

6. Establishing appropriate controls for personal safety so as to:
   a. Safeguard harbour users, employees, those working in harbours and the public whilst they are within areas under ABHC’s control.
b. Controlling the risk of exposure to criminal and civil liability.

c. Involve stakeholders in the management of marine safety and raising awareness of marine risks and their prevention, control and management.

d. Consider the effects on harbour safety of proposed changes in use or harbour works.

e. Operate within policies developed specifically to address marine issues in addition to the corporate policies and procedures approved by the Council.

f. Confirm the roles and responsibilities of key personnel.

g. Outline existing procedures for marine safety within the harbours and their approaches.

h. Measure performance against targets, particularly by building a database for recording incidents, including near misses.

i. Maintain appropriate emergency and contingency plans.

j. Keep appropriate duties and powers under regular review.

3.3 ALL EMPLOYEES

All employees have a duty to:

- Comply with all safety procedures laid down by ARGYLL & BUTE HARBOUR BOARD.
- Ensure that marine operations are undertaken in a safe manner.
- Report hazard, risk, accident, incident or near miss to their line manager or other appropriate officer.

3.4 HARBOUR USERS

Harbour users operating commercially and the general public using the harbour areas for pleasure are responsible for:

- Their own health and safety and that of other harbour users and the general public who may be affected by their acts or omissions.
- Complying with byelaws, directions and other regulations aimed at ensuring the safe use of the harbours

3.5 EMERGENCIES

Emergencies where life is in danger must be notified at once to the emergency services by dialling 999 or through VHF channel 16. Other emergencies shall be notified to the Harbour Master or other harbour staff by the quickest available means.
3.6 REPORTING OF ACCIDENTS INCIDENTS AND NEAR MISSES

The public is asked to bring matters of safety, i.e. all accidents, incidents and near misses, promptly to the attention of the Harbour Master or other harbour staff. All harbour staff are obliged to formally record such reports, such as by use of MarNIS. The reports will be used to review accidents and incidents and for assessing whether any further action is necessary to reduce the risk of recurrence.

The means by which harbour users and the general public bring safety matters to the attention of the Harbour Master will be shown in the relevant Port Appendix. This will normally be by Telephone or by e-mail to the Harbour Office concerned. In all cases an acknowledgement of the report will be given to the party or parties concerned and any subsequent findings and actions taken in regard to the report.
4 CONSULTATION

4.1 INTRODUCTION

The ARGYLL & BUTE HARBOUR BOARD recognises the importance of consultation whilst developing policies and procedures for the discharge of their duties and powers. The ARGYLL & BUTE HARBOUR BOARD also acknowledges that the MSMS will only be effective if there is commitment and involvement from all those who work in and use ARGYLL & BUTE COUNCIL harbours, slipways and jetties.

It is important that these parties are given the opportunity to contribute to assessments which could have an effect on their operations. In addition to users, ARGYLL & BUTE COUNCIL will consult with appropriate local interested parties during the development of policies and procedures.

This section presents the different forms of consultation to be undertaken by ARGYLL & BUTE COUNCIL.

4.2 CONSULTATION POLICY

The PMSC emphasises the importance of effective consultation by all ports with stakeholders and beneficiaries. This includes all those who work in and with ARGYLL & BUTE COUNCIL areas of marine jurisdiction in some way, as well as those who represent them.

It is therefore ARGYLL & BUTE HARBOUR BOARD policy that ARGYLL & BUTE COUNCIL shall publish matters of relevance to, and encourage comment and contribution from, stakeholders and beneficiaries, on its facilitation and the management of navigation within the areas of marine jurisdiction managed by ARGYLL & BUTE COUNCIL.

The ARGYLL & BUTE HARBOUR BOARD shall:

- Consult as early as is practicable with stakeholders and port users when changes to ARGYLL & BUTE COUNCIL legislation and policy are being considered;
- Include appropriate ARGYLL & BUTE COUNCIL staff in the consultation process;
- Maintain an effective consultation mechanism with appropriate stakeholders and users on navigational safety and other operational issues;
- Include appropriate port users in the ongoing work to identify navigational hazards, assess the risk of such hazards and recommend appropriate control and mitigation measures;
- Provide regular feedback on the Authority’s performance, in particular its compliance with the PMSC, to all stakeholders and beneficiaries; and
Publish an annual review of ARGYLL & BUTE COUNCIL Marine activity and achievements by means of Harbour Board Reports

4.2.1 Statutory Consultation

ARGYLL & BUTE COUNCIL will carry out consultation as per statutory requirements. This will include consultation with local interested parties on making or revising byelaws and Harbour Revision Orders (HROs).

ARGYLL & BUTE COUNCIL will consult those likely to be affected before formalising proposals by applying for a HRO or when revising or introducing byelaws. This procedure will also be adopted when users are to be made subject to General and Pilotage Directions.

In the event of any changes to powers or regulations being made as a result of a risk assessment, ARGYLL & BUTE COUNCIL will provide details on how the proposals relate to the risk assessment process. The Port will endeavour to use its website\(^2\) to provide a means of acquiring a wider audience in the consultation process.

4.2.2 Consultation with Interested Parties

In the event of ARGYLL & BUTE COUNCIL proposing any changes within their managed harbours, ARGYLL & BUTE COUNCIL will endeavour to canvas the views of as many interested parties as possible. This process will be initiated as soon as practically possible. Where workshops or risk assessments are to be performed, ARGYLL & BUTE COUNCIL will endeavour to invite parties whose activities are being reviewed or who could be affected by any operational changes or measures introduced.

Risk assessment forms an integral part of day-to-day operations within ARGYLL & BUTE COUNCIL areas of jurisdiction. This means that there may be occasions when an unusual operation requires a review to be undertaken, where it will be impractical to have any significant level of consultation or to publish documentation.

4.2.3 Consultation through Committees and Interested Parties

The current consultative groups and Interested Parties include:

Firth of Clyde Marine Safety Group
Queens Harbour Master
Cal Mac Ferries Limited
Caledonian Maritime Assets Limited
Northern Lighthouse Board
Clydeport Operations Limited
West of Scotland Sub Group Marine Safety Committee
Oil & Pipelines Agency
Campbeltown Harbour Users Group
Dunoon Pier Users Group
Oban North Pier Users Group
Oban Harbour Management Group
Rothesay Harbour Users Group
Carradale Harbour Users Group

4.2.4 Consultation with Employees, Contractors & Other Service Providers

ARGYLL & BUTE COUNCIL recognise that in order for the MSMS to be effective and to operate in the way it is intended, it is essential to involve personnel who provide harbour services. This includes personnel at all levels, including those who are employed directly and indirectly by the harbour, e.g., tug crews, pilots, boatmen, pilot boat crews and agents.

Where risk assessments are being carried out and new systems are being implemented, ARGYLL & BUTE COUNCIL will involve harbour personnel at all levels, employees, contractors and other service providers operating within the port.
4.2.5  Argyll and Bute Harbours Navigational Safety Policy

ARGYLL & BUTE COUNCIL adopted the following Safety and Operational Policy in compliance with the PMSC. The health and safety management system includes policies for emergency plans, conservancy, and environment, management of navigation, pilotage and marine services.

On behalf of ARGYLL & BUTE COUNCIL, Argyll and Bute Harbours Board (ARGYLL & BUTE HARBOUR BOARD) will:-

- Provide safe harbours within the limits of their jurisdiction, which, as appropriate, are open to the public for recreation and the transportation of passengers and goods;
- Ensure the safety of harbours by exercising its statutory functions to a high standard;
- Regulate the use of its harbours by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced;
- Ensure that efficient pilotage services are available, as required by operational needs, and that pilotage directions are maintained and reviewed regularly;
- Make available such marine services as are required for the safe use of their harbours and that they are well maintained and operated;
- Have in place up to date plans to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.

Existing powers shall be reviewed on a periodic basis, to avoid a failure in discharging duties or risk exceeding powers.

The Policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation.

Relevant plans and reports will be published as a means of improving the transparency and accountability of the harbour authority, as well as providing reassurance to the harbour users. ARGYLL & BUTE HARBOUR BOARD will consider past events and incidents so as to recognise potential dangers and identify the means of avoiding them.

4.3  MANAGEMENT OF NAVIGATION POLICY

There is a general public right of navigation in tidal waters, subject to the payment of proper tolls and dues, and to the provisions of any laws regulating the operation of the harbour which impose special restrictions on the otherwise general freedom of navigation. It follows that harbours have
the powers to regulate the entry and movement of ships within the harbour area to ensure safety of navigation. The PMSC cites the general principles as:

- Harbours have rules in byelaws and directions which every user must obey as a condition of his or her right to use the harbour;
- Harbour authorities have a duty to make proper use of powers to make byelaws, and to give directions (including Pilotage Directions), to regulate all vessel movements in their waters;
- These powers should be exercised in support of the policies and procedures developed in the authority’s safety management system, and should be used to manage the navigation of all vessels;
- Harbour authorities should have clear policies on the enforcement of directions, and should monitor compliance; and
- Powers of direction should be used to require the use of port passage plans in appropriate cases – whether vessels are piloted or not.

4.3.1 Responsibilities

Each Harbour Master has the overall responsibility for the operational aspects of managing navigation within their relevant SHA area. However the ultimate responsibility and accountability lies with the ARGYLL & BUTE HARBOUR BOARD to ensure that all the necessary systems are in place to support this process.

Argyll and Bute Council, through the ARGYLL & BUTE HARBOUR BOARD, has byelaws, directions and other legislation which every user must obey as a condition of their right to use the harbours and marine facilities.

ARGYLL & BUTE HARBOUR BOARD and its Harbour Master recognise their duty to:-

- Make appropriate use of powers to make byelaws;
- Give directions (including pilotage directions); and
- Regulate all vessel movements in their waters with the existing legislation.

These powers shall be exercised in support of the policies and procedures developed in this safety management system and should be used to manage the navigation and relevant operations of all vessels.

Quarterly updates are provided to the Harbour Board by the Marine Operations Manager in relation to adherence to the Safety Management System, referring specifically to audits carried out on Council Marine Facilities by the Designated Person.
Powers of direction shall be used to require the use of port passage plans in appropriate cases, whether or not vessels are piloted.

4.3.2 Organisation and Responsibility for the Management of Navigation

4.3.3 Procedures for Management of Commercial Navigation

4.3.3.1 Passage Plans

Where appropriate, the passage plan shall be prepared on a standard form by the pilot and agreed with the master of the vessel. A copy shall be filed at the offices of pilotage provider, e.g. Campbeltown Pilots Ltd, and also sent to the relevant harbour office as soon as practicable.

Vessels trading to Harbours on a regular basis shall have approved passage plans and these should be provided to the Harbour Master of the Port concerned on request.
4.3.3.2 Monitoring

Ports will monitor vessel movements to ensure compliance with all relevant by-laws and General or Special Directions as well as Pilotage Directions and, where applicable, Local Notices to Mariners. The ability to, and means of, monitoring ship movements will vary from port to port.

Methods of monitoring vessel movement will be undertaken by:

Visual observation from Harbour area.
Live Automatic Identification System (AIS) in Harbour Offices.
Closed Circuit Television with recording facilities
The use of VHF Radio with nominated working channels for the relevant area
Use of mobile and landline telephones

Harbours will proactively, and on request, provide relevant navigational advice and information or Directions in order that vessels achieve a safe passage from sea to berth, vice versa and movement within the Harbour Area.

Harbours will also monitor tidal state, and relay to shipping any resultant constraints on navigation
Harbours will monitor meteorological conditions and issue advice to vessels and berth operators

4.3.3.3 Reporting Statutory and Local

The need for reporting will vary from harbour to harbour and in accordance with operational need. Details are contained within the appropriate harbour appendix. ...for example “at Point X the Master will call x harbour and advise ETA, Ships particulars LOA, beam and draught ...... any defects and any DG carried.”

4.3.3.4 Control of Vessel Movements

Navigational Risk Assessments have been carried out for all Ports and Harbours covered by this Document. The Control Measures identified within these Risk Assessments will be used to regulate vessel movements

In addition, to enable effective Control of vessel movements Harbour Masters have four main powers available to regulate ship movements –
• Byelaws:—provide a general framework for rules of navigation which apply to all vessels - including speed limits, defining fairways, anchorages, etc. - and which can be treated as unlikely to require frequent or short term amendment.

• Special directions – may be given by the harbour master: these directions are time and vessel specific and are apt for operational purposes of short duration and for emergencies.

• General or harbour directions – Some harbour authorities have more effective powers of general direction or harbour direction to be given by the authority itself. Directions should apply to all vessels including where a vessel is conducted by a pilot or the holder of a pilotage exemption certificate.

• Pilotage directions - may generally be given by harbour authorities which have the power to regulate navigation: these determine the circumstances in which pilotage is to be compulsory.

Dangerous vessel directions - are a special case, permitting a harbour master to remove a vessel from the harbour in clearly defined circumstances: they may be over-ruled by the Secretary of State.

The Applicability of the above will vary from Port to Port

The use of all these powers, governed by the Argyll & Bute Harbour Board formal risk assessment, supports the Safety Management System. It is to be noted, in this connection, that the master - or pilot - of a vessel is not obliged to obey directions if he believes that compliance would endanger the vessel.

Control of vessels within a harbour area depend upon effective two way communication between the harbour personnel and the vessels concerned and All ships’ masters should familiarise themselves with the layout and limitations of their destination port and have on board sufficient navigational information to enable safe navigation into and out of the harbour. Close contact must be maintained with the harbour master when approaching and within harbour limits.

4.3.3.5 Vessel Traffic Services (VTS)

To date ARGYLL & BUTE HARBOUR BOARD has considered that the level of activity in its harbours can be managed by Local Port Services. Any move to provide an enhanced Service will be preceded by a Formal Safety Assessment. Such an Assessment will determine whether a VTS is an appropriate risk control option to enhance the safety of shipping, maritime users, members of the public and the protection of the marine environment.
4.3.3.6 The Dangerous Substances in Harbour Areas Regulations

The Dangerous Substances in Harbour Areas Regulations (DSHAR) is the controlling legislation for the carriage, loading, unloading and storage in harbour and harbour areas.

The regulations provide the HM with the power to prohibit or remove Dangerous Goods if in his opinion the condition of the substance or the vehicle or vessel carrying it creates a risk to health or safety.

In summary it requires:

- A consignor or forwarding agent who intends to bring a dangerous substance into a harbour area to give the Harbour Master at least 24 hours’ notice of his intention;
- Vessels within Port limits to display a red flag during daylight hours and an all-round red light during the hours of darkness;
- All persons involved in the handling of dangerous substances to be properly trained and take necessary precautions to avoid fire or explosion;
- Vessels carrying substances in bulk to hold a suitable certificate of fitness;
- Vessels carrying or recently carried liquid dangerous substances in bulk to be prohibited from cleaning or ventilating tank spaces, discharging contaminated ballast and slops unless the HM has given permission;
- Freight containers for export to be accompanied with a container packing certificate as part of the transport documentation;
- Tanks and receptacles used for packaged Dangerous Substances should be suitable for purpose and marked and labelled in accordance with the IMDG Code; and
- The Harbour Authority to prepare an emergency plan for dealing with emergencies involving Dangerous Substances;
- Vessels carrying Dangerous Substances to immediately inform the Harbour Authority; and
- Transfer of Dangerous Substances via pipeline between vessels to be permitted only with permission by the Harbour Master in writing.

4.3.3.7 Explosives in Harbour Areas Regulations

No Explosive substances are handled at any Argyll & Bute Harbour and as such Argyll and Bute Council do not possess Explosive Licences.
4.3.4 5.1.3.8 International Maritime Dangerous Goods Code (IMDG)

The provisions outlined in the Code are now mandatory under SOLAS and outlines the requirements for the carriage of packaged Dangerous Substances by sea. The IMDG Code is based on an internationally agreed system which:

- Classifies dangerous goods together based on the hazards they present on transport;
- Specifies packaging/tanks which are of appropriate strength and which will prevent the goods escaping;
- Specifies hazard warning labels, placards and other marks to identify dangerous goods in transport;
- Requires standard documentation to be provided when dangerous goods are being transported;
- Lays down principles for ensuring that incompatible dangerous goods are kept apart;
- Lays down principles for where to place dangerous goods on board ship to ensure safe transport; and
- Provides emergency response advice for dangerous goods involved in a fire or spillage on board ship.

4.3.4.1 Consolidated European Reporting System (CERS3)

ARGYLL & BUTE COUNCIL has, where appropriate responsibility to forward the required information to the MCA in a timely manner. Information includes vessel ETA’s, ETD’s, Number of Persons aboard and details about any hazardous cargo aboard the vessel. This information is manually inputted to the MCA website by Port Operations personnel.

4.3.4.2 Prevention of Pollution Regulations

Under the Prevention of Oil Pollution Act 1971 a Master of a vessel finding pollution has a duty to report the pollution to the Harbour Master if:

- The pollution is discharged from the vessel into the waters of a port in the UK;
- Pollution is found to be escaping or to have escaped from a vessel in such waters; and
- Pollution is found to be escaping into any such waters from a place on land.

The HM has the powers to:

- Go on board and inspect the vessel or any part thereof, or any of the machinery, boats equipment or articles on board the vessel, for the purpose of ascertaining the
circumstances relating to an alleged discharge of oil or mixture containing oil from a vessel into the waters of the port;

• Require the production of any oil record book to be carried or records kept; and

• Copy any entry in such book or record and require the Master to certify the copy as being a true copy of an entry.

If the HM has reason to believe a ship, which proposes to enter the port, does not comply with the requirements of the Prevention of Oil Pollution Act 1971 regulations, he shall report the matter to the MCA who, if satisfied, that the vessel may present an unreasonable threat to the marine environment, may refuse entry of the a ship to a UK port or detain the vessel.

The Oil Spill Contingency Plan is maintained to effectively handle spills of oil.

The Council also has a Shoreline Protection Plan that will augment the OSPC where necessary

4.3.4.3 Bunkering

Argyll & Bute Argyll & Bute Harbour Board in conjunction with Briggs Environmental Services has carried out a Risk Assessment and formulated approved procedures for bunkering operations in its Ports and Harbours on the basis of a format previously agreed with the Maritime & Coastguard Agency.

The Formal Risk Assessment and Bunkering Procedures can be found within the Oil Spill Contingency Plan (Part 2: Strategy)".

Bunkering may take place within Harbour areas with approval of the Harbour Master or his/her Assistant and Bunkering Operations will follow an Approved Bunkering Procedure provided by the Bunker Fuel Supplier

4.3.4.4 Anchorages

There are recommended anchorages at some harbours, particularly for large commercial vessels such as cruise liners. Local information regarding anchorages is contained within the relevant Harbour Annexe and advice may be sought from the Harbour Master for the relevant area.

4.3.4.5 Procedures for Leisure Management

Given the wide range of harbour facilities operated by ARGYLL & BUTE HARBOUR BOARD and the significant level of leisure traffic using these harbours and approaches there will be a varying need to manage marine related leisure activities. ARGYLL & BUTE HARBOUR BOARD is committed to
operating its harbours safely and not adversely impact on leisure use of its harbours. Details are contained within the appropriate harbour appendix.

4.3.4.6 Moorings

There are various providers of moorings in and adjacent to ARGYLL & BUTE HARBOUR BOARD’s harbours. Details are contained within the appropriate harbour appendix.

4.3.4.7 Marinas

There are several privately owned and operated marinas within ARGYLL & BUTE COUNCIL’s area of responsibility. In so far as it is able to ascertain, Argyll & Bute Council regard these marinas as being managed and operated safely. Regular safety inspections are carried out by the Harbour Staff along with Marina operators

Information regarding the Marinas will be found in local Annexes.
5 TRAINING

ARGINYL & BUTE COUNCIL will ensure that everyone, who has responsibilities or is involved with the safety of navigation, is qualified and competent to do the job; and will ensure staff meets the nationally agreed standards of competence, or alternatively be able to show that their local competency standards are fully equivalent.

The general principles in relation to staff competence and development as outlined in the PMSC are:

- Systems developed by an authority with the aim of making best use of appropriate powers are likely to fail unless those people assigned any role in the system are competent and trained to nationally agreed standards;
- The foundation to these standards is an understanding that securing port safety is a team operation demanding an appreciation of the work of other specialists;
- Harbour authorities should assess the fitness of all persons appointed to positions with responsibility for the safety of navigation; and
- Harbour authorities should adopt a training strategy that develops a shared understanding of their safety management systems and promote the involvement of port users in training programmes.

5.1 ARGYLL & BUTE COUNCIL TRAINING POLICY

It is ARGYLL & BUTE COUNCIL policy that officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety.

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 PMSC, the ARGYLL & BUTE HARBOUR BOARD shall:

- New staff receiving induction training;
- The annual training requirements, including in-house, emergency and counter-pollution training, for each member of staff will be assessed and a programme implemented; and
- 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;

• Promote the involvement of port users, allied services and other stakeholders in ARGYLL & 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 & 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.

5.2 TRAINING PLAN RESPONSIBILITIES

Table 1: Training Plan Responsibilities

<table>
<thead>
<tr>
<th>Post</th>
<th>Training Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Roads and Amenity Services</td>
<td>Executive Director</td>
</tr>
<tr>
<td>Marine Operations Manager</td>
<td>Head of Roads and Amenity Services</td>
</tr>
<tr>
<td>Harbour Masters</td>
<td>Marine Operations Manager</td>
</tr>
<tr>
<td>Technical Officers</td>
<td>Marine Operations Manager</td>
</tr>
<tr>
<td>Asst. Harbour Masters</td>
<td>Harbour Masters</td>
</tr>
<tr>
<td>Pier Operatives</td>
<td>Harbour Masters</td>
</tr>
<tr>
<td>Ferry Operatives</td>
<td>Marine Operations Manager</td>
</tr>
</tbody>
</table>

5.3 TRAINING MATRIX

The ARGYLL & BUTE HARBOUR BOARD will maintain a training matrix for all staff and the respective line managers are responsible for keeping it up-to-date.
6 ARGYLL & BUTE HARBOURS SAFETY PLANNING

6.1 SAFETY PLANNING POLICY

It is the policy of Argyll and Bute Council to have powers, policies, plans and procedures based on a formal assessment of hazards and risks, and that ARGYLL & BUTE HARBOUR BOARD shall have a formal marine Safety Management System.

The Safety Management System shall be in place to ensure that all significant risks are controlled. The more severe ones must either be eliminated or reduced to “as low as reasonably practicable” (ALARP).

On an annual basis the Marine Operations Manager will provide the Board with a review of the risk assessments. The Safety Management System, together with the Harbours Safety Policy, will also be tabled for review by the Board. The Board will undertake a review and its findings will be recorded.

An annual independent audit of the Safety Management System will be commissioned from the Designated Person. The audit report will be considered by the ARGYLL & BUTE HARBOUR BOARD and the outcome of this consideration will be recorded.

As part of the annual review of staff training requirements (see 2.2 above) all staff will be reminded of the Safety Policy and specifically their roles in an emergency.

6.2 ORGANISATION OF ANNUAL REVIEWS

Table 2: Annual Reviews

<table>
<thead>
<tr>
<th>Safety Policy</th>
<th>Argyll and Bute Harbours Board (ARGYLL &amp; BUTE HARBOUR BOARD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Management System</td>
<td>Designated Person and ARGYLL &amp; BUTE HARBOUR BOARD</td>
</tr>
<tr>
<td>Harbour Use – Navigation Risk Assessments</td>
<td>Marine Operations Manager</td>
</tr>
</tbody>
</table>


7 RISK ASSESSMENT POLICY

It is the policy of ARGYLL & BUTE COUNCIL that its powers, policies and procedures will be based on a formal assessment of hazards and risks and it will have a formal MSMS.

The aim of this process is to eliminate significant risks or, if that is not practicable, to reduce risks to as low as reasonably practicable. Formal risk assessments shall be used to:

- Identify hazards and analyse risks; and
- Assess those risks against an appropriate standard of acceptability and where appropriate, consider a cost-benefit assessment of risk reducing measures.

ARGYLL & BUTE HARBOUR BOARD has undertaken a formal safety assessment of its harbour operations to insure that a systematic approach was taken to the identification and the management of risks.

There is a preferred hierarchy of risk control principles:

- Eliminate risks - by avoiding a hazardous procedure or substituting a less dangerous one;
- Combat risks - by taking protective measures to prevent risk; and
- Minimise risk - by suitable systems of working.

An initial set of navigational risk assessments were completed in October 2015 for the main harbours of:

- Dunoon;
- Rothesay;
- Campbeltown;
- Port Askaig;
- Oban North Pier; and
- Craignure.

The regular, at least annual, review of risk assessments and any new risk assessments caused by operational changes will identify new risks. As a consequence new controls will be implemented in order to bring the risks down to as low as reasonably practicable. The process of continuous assessment and review will enhance the safe operation of the ARGYLL & BUTE COUNCIL managed harbours, slipways and piers.
7.1 MARNIS RISK ASSESSMENT METHODOLOGY

The Ports of Campbeltown, Craignure, Dunoon, Oban, Port Askaig and Rothesay make use of MarNis Port Assessment Toolkit to develop a set of risk assessments in-line with Formal Safety Assessment (FSA) processes advocated by the International Maritime Organization and assists in ensuring compliance with the Port Marine Safety Code.

The MarNis Toolkit allows the population of each Ports’ Database with identified hazard scenarios. These scenarios are then assessed using Risk Assessment processes derived from the Formal Safety Assessment approach identified by the International Maritime Organisation.

The MarNis Toolkit also enables Ports to record and report any accidents and incidents that may occur, allowing users to review necessary Risk Assessments to further reduce risk in future.

MarNis contains a secure database with outputs and reports available to authorised staff.

Staff can access the Toolkit on the Councils IT Network where connectivity allows

Risk Assessment:

The key features of the MarNis Toolkit in respect of Risk Assessment are

- Identification of hazards likely to impact on navigational safety.
- Continuous review of existing hazards.
- Identification of control methods which can be introduced to reduce the likelihood of a hazard occurring.
- Continuous review of control methods previously identified.

Each Risk Assessment is assessed against likelihood and severity of the hazard occurring.

Causes are considered within the assessment, followed by the allocation of risk control options.

Through the use of user wide approach, and a centralised system a number of benefits are gained, these are as follows:

- Consistent data entry method
- Consistent scoring of likelihood and severity of events
- Consistent descriptions of causes and control methods
- Automated and consistent reporting of hazards
- Ease of access to records to records for on-site users, as well as sharing of information across different locations
- Automated reminder of review requirements and
- Traceable audit processes.
Hazard scenarios are displayed in the database with icons giving immediate visual indications of their status (level of risk, review requirement) are shown in an example view the Hazard Scenario list:
8 EMERGENCY PREPAREDNESS AND RESPONSE / INCIDENT INVESTIGATION

The PMSC states that the MSMS should include preparations for emergencies and that these should be identified as far as practicable from the formal risk assessment. It also states that these should be published and exercised.

The relevant Emergency Response Plans are as detailed in the annexes for each of the main harbours.

For pollution response further information is available under the Oil Spill Response Plan that each harbour has implemented as required by the International Convention on Oil Pollution Preparedness, Response and Co-operation Regulations (OPRC). The Plans can be found in individual Harbour Annexes.

8.1 EMERGENCY ORGANISATION AND MANAGEMENT RESPONSIBILITY

The Marine Operations Manager will review the Emergency and Oil Pollution Plans in conjunction with the Harbour Masters and Technical Officers on an annual basis.
8.2 INCIDENTS

An incident occurring within ARGYLL & BUTE COUNCIL managed harbour’s will be graded depending on the nature of the incident, the possible effects on life, the environment, the port operations and the level of response required by the relevant HM, the emergency services and others in the port estate.

Each Port has its own Port Emergency Plan. The Port Emergency Plan can be viewed in the relevant Appendix attached to this Document.

When a marine incident has occurred, the HM should be informed immediately as per the Port Emergency Plan.

8.2.1 Minor Incidents

Minor incidents are those that can be handled within the everyday resources of each of the individual harbours. Although the emergency services or other organisations may be notified or required to assist, such assistance will be routine.

8.2.2 Major Incidents

A major incident may be defined as being beyond the normal day-to-day capacity of the HM and will require the special and extensive mobilization of the Emergency Services. Examples of major incidents may include:-

- Death or serious injury to any number of people;
- Extensive damage or contamination to the environment;
- Extensive damage to vessel, installations, berth facilities and quayside equipment; and
- Serious disruption to the operation of the harbour.

8.2.3 Incident aboard a Vessel

The Master of any vessel which has an incident aboard must immediately inform the HM and contact the appropriate emergency services.
8.3 INCIDENT PROCEDURES

8.3.1 Initial Assessment, Response and Alarm

Whenever an incident occurs within a ARGYLL & BUTE COUNCIL managed harbour, a full initial assessment will be carried out where possible and the response will be tailored to that incident. If necessary the appropriate plan will be activated. All incidents should be reported to the Harbour Master who will alert the appropriate management, engineering / operations staff in line with the appropriate Emergency Procedures.

Primary response functions include:

- Notification / alerting;
- Situation assessment;
- Strategy development;
- Incident management;
- Response strategy;
- Equipment deployment;
- Communication support;
- Logistics support;
- Public affairs / media;
- Safety/security;
- Legal support; and
- Vessel casualty.

During all incidents, all persons concerned should maintain a log of all communications and actions.

8.4 OIL POLLUTION

In accordance with statutory requirements to prepare for and respond effectively to any incident of oil pollution, each Port has an Oil Spill Contingency Plan which has been written in accordance with the requirements of M.S. (Oil Pollution Preparedness, Response and Co-operation Convention Regulations 1998) and has been approved by the MCA. The OSPC for each Port is referenced in the relevant annex in this Document.

The plan details the structured response and notification procedures required in the event of an oil pollution incident.
Pollution incidents are tiered as follows:

- **Tier 1** - Spills which can be dealt with using the resources retained on site;
- **Tier 2** - Spills which require mobilisation of additional resources and the Tier 2 oil spill contractors; and
- **Tier 3** - Spills which require mobilisation of national resources.

### 8.5 EMERGENCY RESPONSE CENTRE

In the event of an Oil Spill emergency, a response centre would be set up at a predetermined point within the relevant Council office dealing with Tier 2 or Tier 3 oil spills. It will be manned for all Tier 3 incidents and at the discretion of the command team leader for Tier 2 incidents.

### 8.6 INCIDENT INVESTIGATION

No matter how effective the safety regime is, incidents will occur. All significant incidents and potential incidents are to be investigated, and this often gives rise to two competing and incompatible objectives:

- To determine the cause of the incident, with a view to preventing a recurrence (an investigation to determine cause); and
- To determine if an offence has been committed and whether enforcement action is appropriate (a criminal investigation).

It is ARGYLL & BUTE COUNCIL policy that in the interests of safety and where the circumstances of the incident dictate, an investigation to determine cause should take primacy. Circumstances where an investigation to determine cause should take primacy include:

- Where it is necessary to determine the cause of the incident so that precautions can be put in place at the earliest opportunity to prevent a recurrence;
- Where it is necessary to promulgate the cause of an incident to interested parties and other harbour authorities so that lessons can be learned; and
- Where it is necessary to determine the cause of the incident where those causes may initiate amendments to the MSMS which in turn will ensure ARGYLL & BUTE COUNCIL continues to comply with the PMSC.

This will enable the Harbour Master to ensure that appropriate precautions and control measures are in place so that identified risks are managed to ALARP. ARGYLL & BUTE COUNCIL recognises that an “investigation to determine cause” may prejudice a criminal investigation when that criminal investigation is also done by ARGYLL & BUTE COUNCIL. However, the continuing safety of marine operations remains paramount.
8.6.1 Other Agencies

ARGYLL & BUTE COUNCIL will co-operate with all other agencies including the police, MCA, MAIB and HSE and will, where appropriate, respect their primacy to conduct their own investigations. A RGYLL & BUTE COUNCIL will endeavour not to hamper or conflict with investigations undertaken by external agencies and will assist as required. When the circumstances of the incident dictate, ARG YLL & BUTE COUNCIL will seek advice and assistance from other agencies.

8.6.2 Investigations to Determine Cause

When conducting an investigation to determine cause due regard will be given to the IMO “Casualty Investigation Code” (resolution MSC.255(84) adoption of the “Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident”) insofar as it is provides guidance to a Harbour Authority. In particular the contents of Chapter 16 of the Code are noted.

Having completed an investigation to determine cause, a report will be compiled. Before a report is finalised, parties that are involved in the incident may be given the opportunity to make representations. The object of the report will not be to apportion blame but to inform and improve the MSMS and in particular stimulate review of the Port Marine Risk Assessments (MarNIS).

A report on an investigation to determine cause will not be made public or published where it may prejudice an investigation conducted by another agency or when legal actions are anticipated. Although a report may not be published any lessons learned will be promulgated on a confidential basis to parties that can assist in the management of risks identified in the report.

8.7 INCIDENT / ACCIDENT INVESTIGATION PROCEDURE

Investigations of accidents and incidents have two essential purposes:

- To determine the cause of the incident, accident or near miss with a view to preventing a recurrence of that incident or accident and
- To determine if an offence has been committed; if so, there may be the need on the part of ARG YLL & BUTE COUNCIL to initiate criminal proceedings in their own right or through the agency of another authority such as the Health and Safety Executive (HSE) or the MCA.

All minor marine incidents or accidents will be investigated at the discretion of the HM.

All major incidents or accidents will be investigated.
Any marine incident that involves the waters adjacent to the port limits, or involves a licensed pilot or PEC holder will be investigated. Investigations for major marine incidents or accidents may not necessarily be carried out under the authority of the HM. The investigation may be part of a criminal investigation and the primacy for the investigation will remain with the lead agency, namely: police, HSE, MCA or MAIB.

The following definitions have been adopted by the “Code and the Guide to Good Practice on Port Marine Operations”:³

“Accident” means any occurrence on board a ship or involving a ship whereby:

- There is loss of life or major injury to any person on board or any person is lost or falls overboard from the ship or one of the ship’s boats.

A ship:

- Causes loss of life, major injury or material damage;
- Is lost or presumed to be lost;
- Is abandoned;
- Is materially damaged by fire, explosion, weather or other cause;
- Grounds;
- Is in collision;
- Is disabled; and
- Causes significant harm to the environment.

Any of the following occur:

- A collapse or bursting of any pressure vessel, pipeline or valve;
- A collapse or failure of any lifting equipment, access equipment, hatch cover, staging or boatswain chair or any associated load-bearing parts;
- A collapse of cargo, unintended movement of cargo or ballast sufficient to cause a list, or loss of cargo overboard; and
- A snagging of fishing gear which results in the vessel heeling to a dangerous angle;
- A contact by a person with loose asbestos fibre except when wearing full protective clothing; and
- An escape of any harmful substance or agent, if the occurrence, taking into account its circumstances, might have been liable to cause serious injury or to cause damage to the health of any person.
“Incident” means an uncontrolled or unplanned event, or sequence of events, that results in damage, or threat, to the safety of personnel, the vessel, the environment or property.

“Major Injury” means:

- Any fracture, other than to a finger, thumb or toe;
- Any loss of limb or part of a limb;
- Dislocation of the shoulder, hip, knee or spine;
- Loss of sight, whether temporary or permanent;
- Penetrating injury to the eye;
- Any other injury leading to hypothermia, unconsciousness or requiring resuscitation; and
- Requiring admittance to a hospital or other medical facility as an inpatient for more than 24 hours.

“Serious Injury” means any injury, other than a major injury, to a person employed or carried in a ship which occurs on board or during access which results in incapacity for more than three consecutive days excluding the day of the accident or as a result of which the person concerned is put ashore and the ship sails without that person, unless the incapacity is known or advised to be of three consecutive days, excluding the day of the accident.

“Hazardous Incident” means any event, other than an accident, associated with the operation of a ship which involves circumstances indicating that an accident nearly occurred.

MGN 458 [M+F] “Accident Reporting and Investigation” explains the reporting requirements of the new Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 and defines accidents, serious injury and severe pollution.

8.8 INCIDENTS INVOLVING DEATH OR CRIME

When someone dies in a work related incident, a number of different organisations will require to work together to ensure that the incident is investigated and the reasons for the death are understood. The police will investigate any incident in the event of a death – both in relation to any possible offence (possible homicide, murder or manslaughter) and on behalf of the coroner.

A police investigation may also be necessary to see if other criminal offences have been committed and to consider whether a prosecution should be brought.
Different organisations have different but important roles in this process and good co-ordination is vital to ensure that the investigation is as smooth and as seamless as possible. Close liaison with the police, therefore, is essential in such incidents.

8.9 NATIONAL REGULATORY FRAMEWORK

The legal framework for incident investigation is effectively summarised as follows:

- The MCA is responsible throughout the UK for implementing the Government’s maritime safety policy;
- The MAIB investigates accidents related to ships and crew; and
- The HSE investigates land based accidents, and accidents occurring on offshore installations.

Provided that the primacy for a given investigation is with ARGYLL & BUTE COUNCIL, incidents will be investigated to find out the facts of what happened and so identify the causes of their occurrence and determine the actions that must be taken to prevent recurrence. They should not be investigated to apportion blame but need to be fact finding and not fault finding. Incidents are rarely simple and almost never result from a single cause. They are normally events resulting from a combination of actions, omissions, errors, failures, changes and oversights.

To ensure an effective incident investigation the process should:

- Record key information;
- Obtain basic facts and establish the circumstances of what happened;
- Identify and investigate both immediate and underlying causes;
- Analyse the findings;
- Determine the action needed to prevent a recurrence and make recommendations;
- Require a check that the recommended actions have been acted upon;
- Re-appraise the existing risk assessments and safe systems of work;
- Review the control standards and the success in meeting them satisfy the legal reporting and recording duties;
- Obtain details, which might be needed if the incident becomes subject to an insurance claim or legal action; and
- The investigation should look beyond the actual situation to see whether it could have been worse.
8.10 STATUTORY REPORTING REQUIREMENTS

The MAIB is responsible for the investigation of all types of marine accidents, both to vessels and to those on board. The MAIB is an independent branch within the Department for Transport (DfT) and is separate from the MCA. The MAIB’s head, the Chief Inspector of Marine Accidents, reports directly to the Secretary of State on accident investigation. He / she and his / her professional staff, who are drawn from the nautical, fishing, marine engineering, and naval architecture disciplines, are appointed by the Secretary of State under the provisions of the Merchant Shipping Act 1995. An administrative staff deals with records, data analysis and publications, policy matters, and provides general support.

Marine Guidance Note MGN 458 [M+F] “Accident Reporting and Investigation”) is addressed, inter alia, to Harbour Authorities. It explains the reporting requirements of the new Merchant Shipping (Accident Reporting and Investigation) Regulations 2012. Details of what should be reported are given in Annex A of the Notice.

ARGYLL & BUTE COUNCIL will report any notifiable accident of which they are aware to the Chief Inspector of the MAIB by the quickest means available.

The MAIB’s Incident Reporting Form provides a convenient format for reports but plain narrative giving the above information may be used if the form is not available. As full an account as possible should be given whether or not the form is used; the list of items given in the M Notice is not intended to be limiting and any matter should be included which will help to make the circumstances clear or to show how similar incidents may be prevented. Sketches, plans and photographs of the damaged areas, taken both before and after the event, are often helpful and may be attached to the report.

8.11 ENFORCEMENT POLICY

ARGYLL & BUTE COUNCIL is responsible under the PMSC for the effective enforcement of regulations made and directions given to assist in managing marine operations and ensuring safety of navigation within the managed harbours.

Enforcement underpins navigational safety by ensuring compliance with such regulations and directions: it requires effective surveillance, incident investigation, and leads, where appropriate, to sanctions imposed either by the Board or by the Courts.
Where necessary, and where empowered, the Board will prosecute offenders for committing offences. ARGYLL & BUTE COUNCIL policy is to:

- Maintain through regular reviews, a relevant and effective regulatory framework, consistent with national legislation, ancillary regulations and byelaws;
- Ensure that regulations and associated guidance are widely promulgated within ARGYLL & BUTE COUNCIL relevant area of jurisdiction;
- Develop and maintain effective enforcement procedures that comply with national legal requirements and guidelines;
- Develop and maintain effective investigation procedures that support the enforcement process, and meet the requirements of the MSMS 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 & BUTE COUNCIL enforcement procedures, receive effective and relevant training;
- Investigate all incidents, taking proper account of the requirements of the Police and Criminal Evidence Code of Practice where necessary;
- Maintain an effective surveillance and spot check regime, to monitor compliance with, and detect breaches of, relevant national and regulations; and
- Respond to breaches of regulations, by imposing a sanction appropriate to the circumstances, or initiating a prosecution where the facts warrant

8.12  ENFORCEMENT PROCEDURE

ARGYLL & BUTE COUNCIL is responsible for enforcing many of the laws that apply within their jurisdiction, but enforcement does not necessarily mean prosecution. Prosecution and the associated penalties imposed by a Court provide the ultimate sanction and enforcement provides a range of responses from informal verbal warnings, through formal written warnings to action in the Courts.

ARGYLL & BUTE COUNCIL will always apply consistent approach for dealing with those persons who use their managed harbour and fail to meet acceptable standards. For ARGYLL & BUTE COUNCIL to maintain its credibility it must demonstrate that it can effectively utilise the full range of enforcement options.

A criminal investigation does not necessarily end in a prosecution but if the investigation is not done in accordance with strict rules a prosecution will not be permissible. Therefore all investigations that may lead to a prosecution have to be conducted with that possibility in mind.
8.12.1 The Need to Enforce

The Port Marine Safety Code

ARGYLL & BUTE COUNCIL complies with the PMSC requirement and has policies and procedures that are properly and effectively enforced. It follows that these policies need to be implemented by procedures and this manual is part of that process. The PMSC makes it clear that the statutory powers that ARGYLL & BUTE COUNCIL Harbour Authority has to regulate conduct and activities should be used to assist in managing identified risks.

The Harbour Authority as a Statutory Body

ARGYLL & BUTE COUNCIL SHA is a body created by statute to serve a public interest to manage, maintain and improve the harbour. The local laws, powers and enabling legislation provide the ability for it to make byelaws and give legally binding directions. It therefore follows that the ARGYLL & BUTE COUNCIL has to demonstrate it can initiate enforcement action that may lead to prosecution.

ARGYLL & BUTE COUNCIL has its own legally binding rules subject to a consultation and approval procedure to ensure everybody can use the harbour safely. It follows that as ARGYLL & BUTE COUNCIL can make the rules, it must be able to deal effectively with those persons that break them. The vast majority of people who use ARGYLL & BUTE COUNCIL managed harbours are responsible and law abiding. Some people will make mistakes, some people will benefit from education and some will need to be warned. In some circumstances misconduct may be so serious that ARGYLL & BUTE COUNCIL may decide that it should be for the Courts to deal with and a prosecution will be initiated.

Through the whole range of enforcement options ARGYLL & BUTE COUNCIL will demonstrate that it has developed a consistent approach reflected by procedures that work. They will also demonstrate that they have the capability of effectively prosecuting offenders who deserve to be prosecuted. Warnings have their place and ARGYLL & BUTE COUNCIL, when necessary, will prosecute an offender in order to maintain its credibility as a regulatory authority. Successful prosecutions can also provide a very worthwhile deterrent to other harbour users.

8.12.2 The Enforcement Options

Enforcement covers everything from cordial education on the conduct expected to prosecution on indictment in the Crown Court where the Court may send someone to prison.
The range includes:

- Information and Instructional leaflets;
- Informal education;
- Formal education - e.g. seminars, briefings etc.;
- Formal advice - e.g. in Local Notice to Mariners;
- Informal warnings;
- Formal warnings; and
- Prosecution.

Which option from the above range is used will depend on the circumstances of each particular incident and will include consideration of the following:

- The severity of the misconduct;
- The risk caused and associated with the misconduct;
- The consequences of the misconduct;
- Any repetition of the misconduct;
- The attitude of the person involved;
- The need to provide a deterrent;
- The evidence available;
- The interests of the public;
- Any considerations of the relevant HM and ARGYLL & BUTE COUNCIL Harbour Authority; and
- The knowledge and experience of the suspect.

The MSMS shall include preparations for emergencies and these preparations should be identified as far as practicable from the formal risk assessment. Emergency plans need to be published and exercised.
9 CONSERVANCY

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. The conservancy duty covers specific requirements, which are outlined in the PMSC as follows:

- A harbour authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely;
- Harbour authorities should provide users of the harbour with enough information about conditions in the harbour such as depths of water, local Notices to Mariners, etc.; and

Harbour authorities have duties and powers as local lighthouse authorities (or providers of aids to navigation); and specific powers in relation to wrecks.

9.1 CONSERVANCY DUTIES

ARGYLL & BUTE HARBOUR BOARD recognises its duty to:-

- Conserve its harbours so that they are fit for use as harbours; and
- Take reasonable care to see that the harbours and marine facilities in its ownership are in a fit condition for vessel to use them safely.

The Board’s aim is to provide harbour users with adequate and appropriate information about conditions in the harbours and marine facilities.

The Board recognises the extent of its duty and powers as a local lighthouse authority and specific powers in relation to wrecks.
9.2 CONSERVANCY ORGANISATION & MANAGEMENT RESPONSIBILITY

The following chart outlines those responsible for the management of conservancy within ARGYLL & BUTE COUNCIL.

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9.3 HYDROGRAPHIC POLICY

The safety of navigation is dependent upon the provision of relevant, up to date hydrographic information delivered in an appropriate form.

ARGYLL & BUTE HARBOUR BOARD will:

- Undertake such hydrographic surveys as are necessary for safe and efficient navigation within each of the managed harbours;
- Carry out a managed programme of hydrographic surveys within ARGYLL & BUTE COUNCIL managed harbours and channels;
- Where appropriate, provide port users with up-to-date and accurate hydrographic information;
- Provide continuous, timely and accurate tidal data;
- Maintain hydrographic and tidal information; and
- Maintain a close liaison with, and provide relevant data to, the United Kingdom Hydrographic Office.

9.4 HYDROGRAPHIC SURVEYS

ARGYLL & BUTE COUNCIL will use all appropriate means to find, mark and monitor the best navigable channel in its managed harbours. ARGYLL & BUTE COUNCIL will promulgate, as
appropriate the relevant hydrographic information associated with the port, harbour and approaches including information relating to navigational hazards.

Hydrographic surveys are carried out by a third party as required and in a timely manner commensurate with the historic siltation trend for the harbour. The results of these surveys are published in the form of charts and provided to the HM in order to monitor the depth within the port and its approaches.

Survey information is to be sent to the United Kingdom Hydrographic Office (UKHO) under the bilateral agreement, where it is used in the compilation of British Admiralty Charts. Surveys are therefore available to anyone who possesses an up-to-date admiralty chart of the port area. In addition, some information of a particularly urgent or temporary nature may be disseminated by Local Notice to Mariners.

### 9.4.1 Dredging

Dredging within a port area can be divided into capital dredging or maintenance dredging.

Capital dredging is usually associated with deepening or creations of berths and channels to greater than previous depths.

Maintenance dredging is the removal of siltation which has gathered in an area to return a channel, dock or berth to its previous depth whether the original depth was natural or achieved by previous capital dredging.

Maintenance dredging is carried out at agreed periodic intervals. Hydrographic Surveys are carried out before and after dredging operations and during if deemed necessary.

ARGYLL & BUTE HARBOUR BOARD does not maintain maintenance dredging disposal licences. Any capital dredging that might take place is subject to statutory consent and ARGYLL & BUTE HARBOUR BOARD is a priority consultee when such applications are considered.

### 9.4.2 Navigational Aids

Many devices are used to assist navigation within the managed harbours including navigational marks, lights, buoys and Automatic Identification Systems (AIS). ARGYLL & BUTE COUNCIL acts as the Local Lighthouse Authority (LLA) for the Northern Lighthouse Board (NLB).

The Northern Lighthouse Board has issued standards for reliability and maintenance of navigation aids (including buoyage) and reserves the right to undertake inspections to ensure that these
standards are met. All navigational aids used within the relevant managed harbours meet the criteria laid down by the NLB. The establishment of a light or mark may only be done with the approval of the NLB and all approved alterations should be notified to the UKHO. PANAR reports are submitted quarterly.

ARGYLL & BUTE COUNCIL is responsible for the maintenance of the Navigation Aids within the relevant managed harbours and their approaches. Details of defects / repairs are to be co-ordinated through the relevant HM who acts as the Local Lighthouse Authority for ARGYLL & BUTE COUNCIL.

### 9.4.3 Wreck Removal

Where there is a wreck in, or near the approaches to ARGYLL & BUTE COUNCIL managed harbours which is likely to become an obstruction or danger to navigation, ARGYLL & BUTE COUNCIL will take all the necessary action to remove or destroy it and it will be lit and buoyed as required until it is raised, removed or destroyed.

Due regard will be made to the duty to 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 port with the aim of reducing the risk of danger to navigation to As Low As Reasonably Practicable (ALARP).

In the event of a vessel becoming a wreck in or near the approaches to the port limits, the process of removing the wreck is laid down in Section 252 of the Merchant Shipping Act 1995. In the event of a wreck in the approaches to the port, full consultation will be made by the Harbour Master.

The UK Hydrographical Office will be informed of the wrecks within the port limits. If the wreck is not to be removed, it will be adequately surveyed with the results sufficiently promulgated.

The procedure is to buoy and/or light a wreck as appropriate, issue a Notice to Mariners and, if necessary, use ARGYLL & BUTE COUNCIL authority to remove the wreck.

### 9.4.4 Licensing of Work

Argyll and Bute Council is a statutory consultee for proposed work affecting navigation or the environment within the harbour limits.
ARGYLL & BUTE HARBOUR BOARD has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations.

Special Area of Conservation (SAC) status applies to areas within Argyll and Bute. Details are contained within the appropriate harbour appendix.

**10.1 ENVIRONMENT AND PORT WASTE MANAGEMENT PLAN ORGANISATION AND RESPONSIBILITY**

**10.1.1 Environment Policies, Plans & Procedures**

- Environmental Policy Statement for Argyll and Bute Council;
- Port Waste Management Plan;
- Guide to Good Practice on Port Marine Operations; and
- Scottish Natural Heritage’s Advice.
11 PILOTAGE POLICY

Section 2 (1) of the Pilotage Act 1987 states:

“Each Competent Harbour Authority shall keep under consideration:

1. Whether any, and if so, what pilotage services need to be provided to secure the safety of ships navigating in or in the approaches to its harbour; and

2. Whether in the interests of safety, pilotage should be compulsory for ships navigating in any part of that harbour or its approaches and, if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships”

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 harbour 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 1846, and as given in the Pilotage Direction so promulgated.

Argyll & Bute Councils’ 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

- Keep under review its Pilotage Directions to ensure they are fully in accord with the Safety Management System and guidance in the Port Marine Safety Code

- Issue Pilotage Exemption Certificates (PEC) to bona fide Masters and Mates of ships that meet the criteria laid down and monitor the performance and discipline of PEC holders.

- The Council will liaise with its Authorised Pilots to fulfil its responsibilities as identified in Section 2 (1) of the Pilotage Act 1987.

Argyll and Bute Council, through the ARGYLL & BUTE HARBOUR BOARD, is the Competent Harbour Authority (CHA).
ARGYLL & BUTE HARBOUR BOARD will exercise control over the provision of the service, including the use of pilotage directions, and the recruitment, authorisation, examination, employment status, and training of pilots.

Pilotage shall be fully integrated with other harbour safety services under ARGYLL & BUTE HARBOUR BOARD control.

Authorised pilots are accountable to the authorising authority for the use they make of their authorisations.

11.1.1 PILOTAGE

Pilotage is compulsory for certain vessels within Campbeltown Harbour. ARGYLL & BUTE COUNCIL have contracted Campbeltown Pilots Ltd to provide Pilotage and Pilot Cutter Services with authorised pilots.

Campbeltown Pilots Ltd complies with the following Guidance and Codes:

In respect of the Pilot Embarking and Disembarking:
- The Embarkation & Disembarkation Of Pilots Code Of Safe Practice (Revised June 2013).

In Respect of the Pilot Boat:
- The Small Commercial Vessel Code – Maritime & Coastguard Agency (MCA)
- Small vessels in Commercial Use for Sport or Pleasure, Workboats and Pilot Boats- Alternative Construction Standards( SCV Code) Marine Guidance Note (MGN)280(M)
- Manning of Pilot Boats- MGN 50(M)
- The Port Marine Safety Code
- A guide to Good Practice on Port Marine Operations

Campbeltown (see Annex A) is currently the only harbour where formal pilotage arrangements are in place. The pilots, contracted through Campbeltown Pilots Ltd, are responsible for the safe pilotage of large vessels within Campbeltown harbour and approaches and for reporting marine risks, incidents and near misses to the Harbour Master.

Military Vessels arriving / departing the Oil Fuel Depot within Campbeltown Loch will utilise Admiralty Pilots under the terms of a Memorandum Of Understanding between Argyll & Bute Council and The Queens Harbour Master, Clyde Dockyard Ports. This states as follows: “The Ministry of Defence Fuel Depot falls wholly within the jurisdiction of the CHA. Only Authorised Pilots can undertake pilotage services within the area of jurisdiction of the Authority, however all military
vessels or vessels on charter to the MoD will embark Admiralty Pilots as directed to by the Queen’s Harbour Master, in the normal course of their employment as Crown servants “.

11.2 PILOTAGE ORGANISATION AND MANAGEMENT RESPONSIBILITY
11.2.1 Procedures, Plans, Codes and Guides for Pilotage

Argyll and Bute Council shall under the Argyll and Bute Council (Pilotage Powers) Order 2007 be a Competent Harbour Authority in respect of the harbour 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 1846, and as given in the Pilotage Direction so promulgated.

**Pilotage Code of Practice**

Pilots authorised by ABHB comply with the 2013 Code of Practice.....

**Application of Compulsory Pilotage**

Pilotage is Compulsory for Vessels 80m and over transiting to and from Campbeltown Harbour.

**Application and notification**

Details of requesting Pilotage Services including timings are contained within the Campbeltown annexe contained within this Document.

**Pilotage Directions**

Pilotage Directions will be found in the Campbeltown Port Annexe contained within this Document.

**Campbeltown Pilotage Manual**

The Pilotage Manual can be found by use of the following link.

**Pilotage Exemptions**

The Port of Campbeltown Pilotage Manual gives the following information in regard to Pilotage Exemptions.

The Pilotage Act of 1987 expressly gives the right to bona fide Masters of vessels trading to a port on a regular basis to apply for and be granted a Pilotage Exemption Certificate (PEC) if they are normally required to take a Pilot for that port.

On application and successful assessment, the bona fide Master of any vessel less than 100 metres trading to the Port of Campbeltown may be granted a PEC.

There are several requirements for the issue and the maintaining of these certificates, and these are listed below:
• That the Master has traded to the port on a regular basis and has previously completed a minimum of 5 transits of the Pilotage Area with at least one trip having been made in the hours of darkness

• Have completed and returned to the Harbour Master the appropriate form requesting the issue of a PEC (appended to this manual or available from the Harbour Master’s Office or the local shipping agents).

• Has demonstrated either by oral or practical examination, or both, competence to conduct his vessel safely within the confines of the Port of Campbeltown, and showed a working knowledge of the total area for which the PEC is required.

• Has demonstrated a satisfactory knowledge of all lights, marks, courses and distances, depths, berths and anchorages, VHF working channels and knowledge of general procedures and regulations within the Port of Campbeltown Compulsory Pilotage Area.

• Has a command of the English language generally, and with specific regard to nautical terminology.

• Has an awareness of the differing types of propulsion, rudders, thrusters etc. and the use of anchors and ropes as ship handling aids

• Suitable alternative manoeuvres to adopt in adverse weather conditions

• The certificate is valid for a period of twelve (12) months and will be renewed annually after re-application.

• Once granted a PEC holder must continue to trade to the port and must make a minimum of 3 transits of the Pilotage Area in that 12 month period. This may be extrapolated over an 18 month period as it is recognised that trading areas for various ships alter.

• A PEC is specific to the holder, and also specific to a list of named ships only that the PEC holder may conduct through the Pilotage Area. A list of ships will be entered on the reverse of the PEC and this may include ships of the PEC holder’s company providing they are of a similar size to the one initially examined for. Should an application be made for an additional ship to be appended to the PEC that is significantly at variance with that for which the holder was originally granted the certificate, then the holder may be asked to re-submit to further assessment before such a request is granted. As Pilotage Exemption Certificate Holders operate under the terms of the Pilotage Act, they are
subject to the same reporting responsibilities as all other Pilots. They therefore must, within a reasonable period of time after an incident, submit a report to the Harbour Master detailing any accident, incident, grounding or loss of anchor and cable. Incident report forms are available from the Harbour Master’s Office.

Should a PEC holder at any time commit an act of incompetence or misconduct when conducting a vessel through the Port of Campbeltown Pilotage Area, the CHA shall reserve the right to suspend or revoke that PEC forthwith.

The Argyll and Bute Council as CHA may make charges for the issue of, and renewal of, PECs. These charges will be included in the current “Schedule of Pilotage Charges for the Port of Campbeltown”

An application form for a Pilotage Exemption Certificate is available from the Campbeltown Harbour Master or through local shipping agents.
12 MARINE SERVICES

The MSMS shall cover the use of harbour craft for the purpose of managing harbour operations.

A Formal Safety Assessment (FSA) shall be used to identify the need for, and potential benefits of, the use of such craft for safety management.

If deemed necessary following an FSA ARGYLL & BUTE HARBOUR BOARD shall ensure that all such craft are fit for purpose and that crew are appropriately trained and qualified for the tasks that they are likely to perform.

Byelaws and the power to give directions are available for these purposes.
12.1 MANAGEMENT RESPONSIBILITY AND ORGANISATION OF HARBOUR OPERATIONS

12.1.1 Marine Services Procedures

12.1.2 Pilot Boat Services

Authorised Pilotage is provided by Campbeltown Pilots Limited for specified vessels using the Port. As part of this service the Pilots use the Pilot Cutter “Ladybird”. The Pilot Cutter is operated under the MCA Code of Practice for Small Workboats and Pilot Boats.

12.1.2.1 Mooring Operations

*Argyll & Bute Harbour Board has a duty under the Port Marine Safety Code to provide a safe harbour and competent personnel to undertake marine duties.* To achieve this the Board will:

Provide safe berths for vessels.

Provide trained competent personnel and will ensure that its Ports and equipment are in all respects suitable for a vessel to be moored. The ARGYLL & BUTE HARBOUR BOARD will assess the risks to Personnel and ensure a Safe System of Work is in place for Mooring Operations.
Will ensure that all fixtures and equipment are regularly inspected and well maintained and of sufficient strength suitable for their intended use.

Where Shore moorings are used these should be regularly inspected to ensure they remain fit for purpose. Ships moorings if noted as deteriorating should be reported to the Ship and to the Harbour Master. Any poor practices or unsafe acts by Ship or Shore personnel should immediately be reported to the Ships’ Master and to the Harbour Master.

Mooring Operations must be properly planned. In some cases, particularly very large vessels on tidal berths, mooring plans will be developed and agreed prior to the vessel arriving. Mooring teams will be made aware of these requirements where they exist.

Control Measures

Where Risk Assessments have identified Control Measures to be adopted these will be put in place.

Such Control Measures will include but may not be limited to the following:

- Guarding and Fencing Arrangements
- Information, instruction and training
- Lighting arrangements
- Communications between ship and shore
- Manual handling techniques
- Personal Protective Equipment such as life jackets, safety helmets, gloves and High Visibility Clothing
- The safe use of workboats and Pilot boats

Hot work aboard vessels

Where appropriate permission to undertake Hot Work is required for any burning, welding, flame cutting, heating by blow torch and brazing, when it is being done outside the engine room of a vessel.

All hot work activities carried out by third parties and other contractors in the port is controlled by a “Hot Work Permit”. Written details of the proposed work are required from the vessel or third party.

For welding, burning and other hot work to be carried out on board vessels or on adjacent quay/berth within the port, the permission of the HM is required. A “Hot Work Permit” must be completed and signed by the person undertaking the Hot Work and an authorised person from ARGYLL & BUTE COUNCIL.

All Hot Work taking place aboard a vessel will be completed under the Vessels Safety Management System.
12.1.2.2 Engine Immobilisation

Vessels are not permitted to immobilise their engine when in ARGYLL & BUTE COUNCIL SHA areas.

The HM should be immediately notified if a situation occurs where a vessel’s engine are not available.

12.1.2.3 Bunkering

Bunkering may take place within Harbour areas with approval of the Harbour Master or his/her Assistant and Bunkering Operations will follow an Approved Bunkering Procedure provided by the Bunker Fuel Supplier.

*Details of bunkering arrangements to be provided in Port annexes*

12.1.2.4 Small Craft Regulation

Text in here

12.1.2.5 Towage

In accordance with the Port Marine Safety Code Argyll & Bute Argyll & Bute Harbour Board has developed guidelines for towage operations in Campbeltown Harbour following an objective risk assessment and taking into account:

- The conditions likely to prevail in the wider harbour area and Port.
- The manoeuvring characteristics of the various vessels using it.
- Suitability of designated Tugs and Equipment including Crew Competence and training
- Towage Companies’ Safety Management Systems (SMS)
- The requirements of relevant stakeholders including; the Ministry of Defence, Queens Harbour Master, the towage vessel operators, pilots, berth operators, vessel owners and operators

The Guidelines for Towage in Campbeltown Harbour are located within the Port Annex in this Document
12.1.2.6 Commercial Diving

ARGYLL & BUTE HARBOUR BOARD contracts commercial divers to inspect and clear obstructions from berths, inspect various structures and to undertake maintenance.

A diving permit is required for all commercial diving operations. Such a permit will require contractors to supply all relevant licences and documentation, including their health and safety policy are checked.

12.1.2.7 Dredging

ARGYLL & BUTE HARBOUR BOARD has a varying need for maintenance dredging depending on the characteristics of each harbour and the operations undertaken. Details are contained within the appropriate harbour appendix.

Capital dredging is undertaken as part of infrastructure maintenance and/or development and will be carried out by approved contractors.

12.1.2.8 Buoy Maintenance

Buoys are inspected annually by divers and there is a maintenance programme. The adequacy of navigational buoyage is regularly reviewed. Navigational buoy casualties are reported to the NLB who undertake annual inspections / audits.

12.1.2.9 Salvage

It is the responsibility of the owner to organise salvage of small craft except where safe navigation may be affected. In such cases ARGYLL & BUTE HARBOUR BOARD may use its powers to take possession of the vessel and arrange salvage. For large commercial vessels stranding or sinking within harbour limits recovery measures will be supervised and approved as necessary by ARGYLL & BUTE HARBOUR BOARD.

The necessary consultation with the owners and public interests would be undertaken.
13 MEASURING PERFORMANCE

The PMSC states that the MSMS should include a means of active self-monitoring to ensure that the system is functioning. In addition, there is the requirement for reactive monitoring in the event of controls failing in order to discover the cause of the failing through investigation, and to appreciate and act upon the implications for the design and operation of the MSMS.

In addition to this the PMSC also states that the MSMS should include provision for systematic review of performance based on information from monitoring and from independent audits of the whole system.

ARGYLL & BUTE HARBOUR BOARD will measure health and safety performance against relevant industry standards.

Performance in complying with the MSMS will be required to meet the national standards as laid down in the PMSC. In agreement with the Designated Person (DP), appropriate performance indicators will be set. The DP will audit performance and report their findings annually to the Duty Holder who will, in turn, provide an appropriate report to the ARGYLL & BUTE HARBOUR BOARD.

All accidents, incidents and near misses will be recorded in MarNIS and used to assist in assessment of the effectiveness of the MSMS.

13.1 MEASURING PERFORMANCE

ARGYLL & BUTE COUNCIL adopts two approaches for measuring its performance:

- **Active Systems**: - which are used to monitor the achievement of plans and the extent of compliance with any standards; and
- **Reactive Systems**: - which monitor accidents, ill health, incidents and other evidence of deficient health and safety performance, such as hazard reports.

13.2 ACTIVE SYSTEMS

ARGYLL & BUTE COUNCIL performs periodic formal checks to ensure that the procedures documented within the MSMS are functioning.

Each HM must also perform:

- Random observation of work and behaviour to assess compliance with procedures, rules and systems. These activities will be aimed particularly at those directly concerned with the management of risk within the harbour; and
- Annual questionnaire surveys of managers and other employees to assess behaviour and attitudes towards marine safety within the harbour.

The results of any active monitoring will be documented formally and where appropriate the port will make comparison with previous monitoring exercise. The findings are reviewed with the HM along with details on any failings of the systems and recommendations for improvement. If required, an action list is prepared and managed by the HM to ensure that agreed responses are completed satisfactorily.

The ability to complete agreed responses satisfactorily and on schedule is also used as an indication of the overall performance of the harbour.

13.3 REACTIVE SYSTEMS

Reactive monitoring is performed in response to reports of incidents / near misses and non-conformances that tend to be generated through an incident report.

On receipt of a report the HM will initiate an investigation to determine both the immediate and the underlying organisational causes of the event. This process is recorded using an incident report which also requires that any resulting actions be documented and a responsible person assigned. The HM manages this process to ensure that responses to the monitoring are completed satisfactorily. These records are retained for audit purposes.

All marine incidents are reviewed by the Marine Safety Committee at the quarterly HM meetings. A summary of all incidents is made to the Designated Person on a monthly basis with full details given of any which are regarded as serious. The reports made will be classified into different incident categories to assist in the identification of common trends and areas requiring focus for improvement.

13.4 AUDIT

As noted above, performance indicators cannot in themselves confirm compliance with the MSMS and the PMSC. Furthermore, the MSMS is one of continuous development and improvement, in response to changing events and circumstances. It is therefore necessary to confirm that the MSMS remains fit for purpose, and ensures compliance with the Code by means of regular audit and review.

Audits are conducted to achieve the following objectives:
To determine if the MSMS is being operated in accordance with ARGYLL & BUTE COUNCIL Marine Policy and, the provisions of the PMSC;

To monitor the overall effectiveness of the system;

To identify and implement ways of improving overall performance;

To confirm that relevant procedures are understood and being actioned by those involved;

The overall objective is to implement systematic, independent, audits to support the continuous improvement in navigational safety performance.

The “Designated Person (DP)” (as defined in the PMSC shall undertake periodic audits / reviews of the MSMS for the purpose of assessing the following:

- The continued provision of an appropriate and effective MSMS; and
- ARGYLL & BUTE COUNCIL ongoing, overall compliance with the requirements of the Code.

Outcomes from the annual audits will be reported to the Duty Holder at regular Harbour Authority meetings, and summarised in the annual report. The DP will meet the Duty Holder, MOM and relevant HM to discuss the PMSC related issues arising from the audit process.

13.5 EXTERNAL AUDITS

In addition, once every three years, ARGYLL & BUTE COUNCIL will carry out externally led audits using appropriate external professional auditors, with the same objectives as above. These provide a professional external check on the processes employed by the DP.

From time to time, ports may be audited externally by the MCA to ensure PMSC compliance, either following an invitation from ARGYLL & BUTE COUNCIL for the MCA to carry out a “health check”, or following a recommendation by the MAIB following an incident investigation.

ARGYLL & BUTE COUNCIL will ensure that any lessons learned from such audits, are used to revise the MSMS and provide for appropriate updates of local policies and procedures.
13.6 MANAGEMENT OF STANDARD SETTING

Standards will be set for operations in the following areas:

<table>
<thead>
<tr>
<th>Area</th>
<th>Set by</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harbour Procedures &amp; Operational Standards</td>
<td>Marine Operations Manager, Harbour Masters</td>
<td>PMSC Guide to Good Practice refers Internal Procedures</td>
</tr>
<tr>
<td>Maintenance of Infrastructure</td>
<td>Harbour Masters, Technical Officers</td>
<td>Internal Procedures</td>
</tr>
<tr>
<td>Hydrographic Surveys</td>
<td>Harbour Masters</td>
<td>UKHO Guidance</td>
</tr>
<tr>
<td>Operational Procedures</td>
<td>Marine Operations Manager</td>
<td>Part of Safety Management System</td>
</tr>
<tr>
<td>Financial and Administrative Procedures</td>
<td>Chief Executive, Executive Director, Head of Roads &amp; Amenity Services, Marine Operations Manager</td>
<td>Subject to Internal Audit</td>
</tr>
</tbody>
</table>

Performance indicators should include the following:

<table>
<thead>
<tr>
<th>Area</th>
<th>Set by</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navigation Lights availability</td>
<td>Northern Lighthouse Board</td>
<td>Records kept on NLB “PANAR” system</td>
</tr>
<tr>
<td>Reduce the number of reportable accidents</td>
<td>Marine Operations Manager</td>
<td></td>
</tr>
<tr>
<td>Implement the Safety Management System</td>
<td>Argyll and Bute Harbour Board</td>
<td>Annual audit by Designated Person</td>
</tr>
<tr>
<td>Incident Investigation</td>
<td>Marine Operations Manager, Harbour Masters</td>
<td>Data recorded in MarNIS and details reviewed at least annually.</td>
</tr>
<tr>
<td>Response to Complaints</td>
<td>Argyll and Bute Council</td>
<td>Corporate complaints procedure</td>
</tr>
<tr>
<td>Enforcement Activity</td>
<td>Marine Operations Manager</td>
<td>No targets currently set</td>
</tr>
</tbody>
</table>
14 REVIEWING POLICY

ARGYLL & BUTE HARBOUR BOARD will monitor, review and audit the marine safety management system on a regular basis so that lessons are learned from all the relevant experience and such lessons are effectively applied.

Performance of the system shall be assessed against internal performance indicators and where appropriate, by benchmarking against other harbour authorities that have adopted good practice.

In light of the reports produced from regular reviews the ARGYLL & BUTE HARBOUR BOARD and the MOM will consider whether their legislation and/or working practices require amendment. If so, appropriate recommendations will be made to the ARGYLL & BUTE HARBOUR BOARD and, if necessary, to ARGYLL & BUTE COUNCIL.

The responsibility for investigations and reports is assigned as follows:

14.1 PROCEDURES FOR UNDERTAKING REVIEWS

The MOM will include in the regular meetings with Harbour Masters a review of any accidents, incidents or near misses. From this review any conclusions drawn, lesson learned or measures being taken to prevent a recurrence will be recorded.

Investigations of marine and other incidents have two essential purposes:-
• To determine the cause of the incident with a view to preventing a recurrence of that or a similar incident;
• To determine if an offence has been committed.

If so, there may be the need on the part of the ARGYLL & BUTE HARBOUR BOARD to initiate enforcement action that may lead to prosecution in its own right or through another authority such as the Police or the MCA. By ensuring that a robust, rigorous, independent investigation has been carried out the ARGYLL & BUTE HARBOUR BOARD and the Duty Holder can be assured that their obligations for compliance have been addressed.

If, following an investigation, it is considered appropriate a more detailed report will be submitted to the ARGYLL & BUTE HARBOUR BOARD, the Council’s Health and Safety Officer, the Marine Accident Investigation Branch (MAIB), the Police or any other appropriate authority, as appropriate.

In accordance with their procedures, the MCA may undertake a verification visit. These verification visits are usually arranged following an MAIB investigation into an incident but could also be triggered by other indicators of non-compliance.

A further review of relevant incidents and/or accidents should be undertaken in the meetings of the Harbour Users Groups.

Once every three years the MCA will seek written confirmation from the Duty Holder that their harbour authority is complying with the PMSC.
15 RECORDING POLICY

ARGYLL & BUTE HARBOUR BOARD, officers and staff will maintain appropriate safety, operational, administrative and financial records.

15.1 PUBLICATION OF PLANS AND REPORTS

To demonstrate the ARGYLL & BUTE HARBOUR BOARD commitment to maritime safety and ensure the involvement of harbour users relevant sections of the MSMS and related Safety Plans shall be reviewed annually at an appropriate public meeting. Given the variation in operations at its harbours and marine facilities separate details are contained within the appropriate harbour appendix.

The Plans shall illustrate how the policies and procedures in the MSMS will be developed to satisfy the requirements under the PMSC. It shall:-

- Commit the ARGYLL & BUTE HARBOUR BOARD to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment;
- Refer to commercial activities in the harbour, how they are regulated and, in particular, the efficient and effective provision of specified services; and
- Explain how commercial pressures would be managed without undermining the safe provision of services and the efficient and effective discharge of its duties.

The Duty Holder will also publish an assessment of the ARGYLL & BUTE HARBOUR BOARD performance as a SHA against the Plan. Information gathered from monitoring and auditing of the MSMS shall be used to support the analysis and conclusions.
Annex A  Campbeltown
Annex B  Dunoon
Annex C    Oban North Pier
Annex D  Port Askaig
Annex E Rothesay
OIL POLLUTION PLAN

ROTHESAY

Rothesay Harbour is located on the Isle of Bute. It has a ferry link running from Wemyss Bay, the crossing taking 35 minutes from the mainland.

The Port is used by small fishing vessels, coasters, and yachts. There is also a Caledonian MacBrayne ferry link which regularly uses the harbour. There are around 17 crossings per day by the ferry. The Waverley berths regularly through the summer months.

Pre-Arrival Checks

Pre-arrival form must be completed.

Pilotage

Compulsory for Caledonian MacBrayne ferry organised through Clydeport. No tugs are available.

Port of Refuge

Rothesay Harbour can accommodate a vessel up to 80 metres in length and 4.2 metre draft. This harbour is subject to northerly winds and this should be considered in the event that this harbour is looked at as a Port of Refuge.

OPERATIONAL HAZARDS

RISK: BUNKERING VIA ROAD TANKER

Fishing vessels use the harbour for bunkering operations and fuel is taken from road tankers on the inside of the pier. Fuel tankers will vary in the volume they are carrying so for purposes of risk assessment the contents are assumed to be 30 tonnes Marine Fuel Oil (MFO). Bunkering is carried out once a week and typically by main contractors Gleaner Oils and Brogan Fuels.
Existing Control Measures

There are control measures in place to ensure the safety at all times. All bunkering operations are supervised at all times and are carried out by experienced and qualified operators. The port is notified of the arrival of the road tanker by the road tanker operator in advance of arriving at the port.

The tankers have emergency shut-off values and all hoses used are armoured and certified for oil transfer.

Onboard the commercial vessels there are automated tank alarms, which sound at the designated high level point and overflow alarms which sound if fuel pours out of the tank into the overflow tank. In the event of overfilling the fuel will run into the double bottomed hull where it will be contained until it is pumped back into the fuel tanks and filtered prior to use. The fishing vessels are controlled visually by port personnel.

Volume Liable to be lost

Historically there have been minor spills but not exceeding 180 litres. Maximum amount due to overflow or failure is estimated to be 180 litres MFO. Maximum amount due to rupture or accidental damage of the road tanker is estimated at 30 tonnes MFO. The risk of a spill occurring through bunkering operations is low. The control measures currently in place are adequate to prevent and minimise any loss of oil.

ACCIDENTAL HAZARDS

RISK: BERTHING FAILURE OR COLLISION

The Port is used by small fishing vessels, coasters and yachts. There is also a Caledonian MacBrayne ferry link which regularly uses the harbour. There are around 17 crossings per day by the ferry. The Waverly berths regularly throughout the summer months. Whilst berthing and disembarking there is a risk of a collision with the pier or other vessels in the vicinity. Berthing failure is considered to be a low-level risk at this harbour due to lack of physical restrictions on vessel’s movement, the harbour be sheltered and all berths being well found and in good condition. Collision risk is small and the only scenario envisaged was between a ferry and a visiting fishing vessel, coaster or yacht.

Existing Control Measures

Any berthing operations would be suspended in very high wind speeds. The Harbour Master has overall control of any operations in Rothesay port and can suspend any operations deemed to be unsafe due to weather conditions or health and safety. There are experienced and qualified ferry
masters which are on hand for berthing operations. To date there have been no instances of berthing failure at Rothesay.

The Harbour Master is responsible for the co-ordination and control of all waterborne traffic within the Port. He will inform vessels when they may enter or leave the port. All vessels are subject to a speed restriction within the port. The port operates a Traffic Light Control System with VHF and Visuals on approaches.

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Piers and Harbours Strategy Section 11: Risk Assessment

Issue 2 BESL Ref: P0010

Revision 0 March 2013

Volume Liable to be lost

In the event of a catastrophic collision where the vessel is holed at the base of the fuel tanks the entire bunker contents of the vessel could be lost. The largest vessel to enter the jurisdiction of Rothesay Port would spill no more than 50 tonnes of fuel oil as a result of collision damage. The risk of an oil spill is low due to the control measures currently in place.

SUMMARY OF POTENTIAL SPILLAGE

Potential Sources of Oil Pollution

☐ Bunkering via Road Tanker: <180 litres

☐ Berthing Failure / Collision: Up to 50 tonnes

Risks associated with harbour activities within Rothesay Port are shown to be as low as reasonably practicable (ALARP) however in the event that an unacceptable risk is identified when assigning a risk criteria, Argyll and Bute Council will introduce additional control measures.

At Rothesay there is a very low risk of collisions or grounding, however table 4 on the next page is a worst case scenario of what would be lost.
EMERGENCY PLAN

Rothesay Harbour Emergency Plan

General information

Introduction

Rothesay Harbour is located on the Isle of Bute within the waters of the Firth of Clyde. Rothesay Harbour is one of two principal ports on Bute with connecting ferry services to the mainland; the route running to Rothesay connects with Wemyss Bay, providing essential lifeline services for the island community. Rothesay harbour is owned and operated by Argyll and Bute Council who are the Statutory Harbour Authority, the marine harbour boundary is shown on the Admiralty Chart 1867 ‘Firth of Clyde Hunterston Channel and Rothesay Sound’

Argyll and Bute Council is also a Competent Harbour Authority (CHA) for the same harbour jurisdiction, but does not exercise compulsory pilotage. Once vessels move beyond the Rothesay Harbour limits, pilotage becomes the responsibility of Clydeport. Ferries transiting to and from Wemyss Bay require Pilotage Certificates (PECs) from the CHA.

Rothesay Harbour is comprised of a solid stone constructed West Pier, leading to a Pier Head comprised of a historic stone construction base, with a modernised piled jetty suspended quay and extended Western Arm. The harbour also has a Mid-Pier providing pedestrian access to the Pier Head via a bascule (lifting) bridge. The Mid Pier also forms a divide between the Inner and Outer Harbours. The harbour is bounded to the East by stone construction esplanade, which previously had an Eastern Pier, called Albert Pier; only the stub of the pier remains.

This Harbour was subject to a significant capital investment programme completed in September 2008. The works included the creation of an Inner Harbour marina, installation of the bascule bridge link and the relocation and installation of a new link span on the eastern part of the Pier Head. The refurbished marina came into operation in 2011 and provides permanent berths and a design capacity of 68 vessels. The facility is run by Bute Berthing Company which is managed independently to Rothesay Harbour.
Harbour Layout and Marine Traffic

The principal commercial traffic is comprised of two Roll-off ferries operated by Caledonian Ferries Ltd. The ferries berth at the Eastern and Western sides of the Pier Head, Berth 1 and Berth 2. Berth 1 is used as an overnight berth for the ferry, leaving it free in the day to accept any vessel wishing to berth. Berth 2 is termed also as the “link span berth” and is used during operational hours for ferry berthing to discharge and board passengers and vehicles. The terminal has an end-loading link span, with vessels berthed stern-to, starboard side against the quay face. Overnight, the berth is occupied by the ferry during non-operational hours. In 2014 there were a total of 11,290 ferry movements at Rothesay Harbour.

The Western end of the Pier Head has an extended ‘Western Arm’ providing a further berth termed as Berth 1A which accepts predominantly commercial and large fishing vessels, and is often used for vessels waiting to transfer to the local ship repair facility. Vessels using Berth 1 arrive on a pre-defined schedule such as the Paddle Steamer Waverley or cargo vessels discharging raw products road such as salt and fertilizer.

Between the West Arm of the Pier and the shore is a single extended pontoon operated by Bute Berthing. This pontoon accepts vessels unable to enter the Outer or Inner Harbour.

On the Eastern side of the Pier Head is the ‘Fish Quay’ which is 64m in length. The fishing vessels are berthed two-abreast to maximise the available space and allow safe passage in to the Inner Harbour in the summer months; but during the winter fishing vessels from other areas are known to use the berth as a safe haven in adverse weather conditions. The volume of marina traffic is in the order of 3,000 vessels per year, with a minimum associated vessel movement count of at least 6,000. The peak of activity is focused over the summer periods and at weekends.

Aim

The aim of the plan is to facilitate a response to any emergency or incident within the harbour and to comply with any obligations under the Dangerous Substances in Harbour Areas Regulations, the Port Marine Safety Code, the Civil Contingencies Act, the Port Security Regulations and the Oil Pollution Preparedness Response and Co-operation Regulations.

Objectives

• To provide the command, control and communication structure.
• To identify all credible scenarios.

• To outline the responsibilities and expected response of personnel and other Organisations/services.

• To provide access to personnel/organisation contact details on a protected basis.

• The plan will be reviewed by the Harbour Master on an annual basis or following an emergency incident or exercise. Exercises will be conducted on a regular basis.

Scope

No two incidents or emergencies will be the same and so no two responses will be the same. All incidents or emergencies need to be assessed on an individual basis and the level of response required will depend on this assessment. This plan therefore has to remain flexible. Some incidents or emergencies will be able to be dealt with by ABC staff without requiring a response from the other services, however, it is anticipated that with limited resources available to ABC, most will involve a response from at least one service, probably more. “If in doubt – call them out”. The most serious of incidents may result in a Major Incident being declared; in which case the Local Authority Plans listed below will come into play. This plan and the procedures contained herein are intended to be compatible and to interface with the following plans:-

i). ABC Fire Plan

ii). ABC Oil Spill Contingency Plan

iii). Rothesay Harbour Port Security Plan

Rothesay Harbour has seven main areas where activity is undertaken;

Berth 2 Linkspan Berth.

This area in the harbour is dedicated to handling the Cal Mac Ro-Ro ferries and has the infrastructure for the ferry operations. The majority is contained within the Security Restricted Area.

Berth 1 Main Berth West end.

This berth the vessels arrive on a pre-defined schedule such as the P.S.Waverley, Hebridean Princess or cargo vessels discharging raw products road salt and fertilizer.

Berth 1A Inner Berth West Arm
Accepts predominantly commercial and large fishing vessels, and is often used for vessels waiting to transfer to the local ship repair facility

**West End Pontoon**

This pontoon is used by leisure craft and on occasions cruise ferry traffic from the anchorage which meets the ISPS code.

**Fish/Commercial Quay**

On the Eastern side of the Pier Head is the Fish/Commercial Quay which is 64m in length. The fishing vessels are berthed two-abreast to maximise the available space and allow safe passage in to the Inner Harbour in the summer months; but during the winter fishing vessels from other areas are known to use the berth as a safe haven in adverse weather conditions.

**Outer Harbour Pontoon/Inner harbour**

The volume of marina traffic is in the order of 3,000 vessels per year, with a minimum associated vessel movement count of at least 6,000. The peak of activity is focused over the summer periods and at weekends.

**Incident Definitions**

An **Emergency** is an event or situation which threatens serious damage to human welfare, the environment or to security.

Damage to **human welfare** involves, causes, or may cause:-

- Loss of human life
- Human illness or injury
- Homelessness
- Damage to property
- Disruption of a supply of money, food, water, energy or fuel
- Disruption of a system of communication
- Disruption of transport
- Disruption of health services

Damage to the **environment** involves, causes, or may cause:-

- Contamination of land, water or air
• Disruption or destruction of plant or animal life

A **Major Incident** is any emergency that requires the implementation of special arrangements by one or more of the emergency services and generally includes the involvement, either directly or indirectly, of large numbers of people. It may also involve other agencies and organisations such as the NHS, Local Authorities, Environment Agency, the MCA, HSE, Utility Companies, Transport Companies, Public Health Scotland, Private Companies and the Voluntary Sector.

A **Casualty** is any person who is directly involved in and affected by an incident. In a Maritime Incident, a vessel in distress is also known as a Casualty. This needs to be understood, as, for example, a vessel in distress with 20 persons on board will be classed as one casualty to the MCA, but to the other emergency services there are 20 casualties.

Most incidents will be instant and require immediate response. However, there will be circumstances where a “*rising tide*” event occurs. This is common terminology in emergency planning and response to situations that may escalate into a major incident. It is most likely that the Port will be informed of a rising tide situation and be requested to monitor and report.

**ABC Command, Control and Communication**

**General**

This Plan may be implemented by the Harbour Master, or his designated Deputy.

The **Main Controller** is the Harbour Master or his designated Deputy.

The **Incident Controller** is the Duty Assistant Harbour Master.

The **Incident Control Room** is the Harbour Masters Office, until notified otherwise.

All initial **communications** will be by VHF channel 12, landline or mobile phone.

Secondary communications for marine related incidents on the Cal Mac ferries may be on channel P2

In any emergency, it is vital that the **alarm** is raised as soon as possible to summon resources. **Emergency - Call 999.**

The decision to **close the Port** to shipping and/or restrict movements will be made by the Harbour Master or his designated Deputy.

Harbour Masters Office will inform and update the **Coastguard** of all marine related incidents and casualties. They will also make a judgement on “ashore” incidents, and if they have the potential to
affect the marine environment or affect other port users, then the Coastguard will be informed and updated.

No vessel on fire, in danger of sinking, or causing pollution, will be moved or brought into the harbour without the specific authority of the Harbour Master. Vessels on fire or in danger of sinking will be directed to beach themselves to the west so that the Port’s main channel is not jeopardised.

Any vessel that sinks within the harbour or the approaches will be marked with buoys and the position relayed to HMCG, Notice to Mariners will be issued as well as warnings given on VHF. Recovery of the vessel will be implemented as soon as possible by the Harbour Master.

Any pollution in the harbour must be reported to the Harbour Master as soon as possible. The ABC Oil Spill Contingency Plan may be implemented by the Harbour Master, or his Assistant. Pollution is not limited to Oil but includes any substance likely to cause harm to the environment or public health such as a chemical spillage from a goods vehicle in the Marshalling area. Water used to extinguish fire (Firewater) may also be considered a pollutant to the environment by entering the water system (river, groundwater or sewers). For this reason, in the event of any pollution incident, then SEPA must be notified.

In the event of bodies being found in the harbour, Police Scotland and the Harbour Master must be informed as soon as possible. Port craft will be made available to assist. Largs Lifeboat will also be available if required.

In the event of an evacuation, full known particulars of persons leaving the area must be recorded if at all possible and passed to the Police Scotland and UK Border Force if required. It may be necessary with the assistance of the Police and Local Authorities to set up Rest Centres, Survivor Reception Centres and Casualty Clearing Stations implementing ABC emergency plan.

Should a Port emergency arise from an act of terrorism, or suspected act of terrorism, the Port Security Plan will be implemented by the Port Security Officer and/or the individual Port Facility Security Officers. A major occurrence will have a severely detrimental effect on Port Operations, with access to and from the Port restricted or curtailed entirely. Many of the Port’s facilities and personnel are likely to be taken over by the emergency services.

Should the emergency involve fire, the ABC Fire Plan will also be implemented. It is the responsibility of each individual Operator/Tenant to have in place their own plans for Fire, Evacuation and other Emergencies. The Fire Plan is included in the “Port Fire/Emergency Plans Box File” along with useful site maps.

All Press and PR issues will be conducted by the Press Office at Lochgilphead.
**ABC** is the Ferry Terminal Operators and has their own Emergency, Fire and Security Plans. These plans compliment this plan and in an emergency, both ABC and Cal Mac will support each other in dealing with the incident. If there is an issue or confusion over primacy, then ABC as the Harbour Authority will take over the Command and Control. The Harbour Master/Assistant will ensure that a responsible person is appointed to meet the emergency services on arrival and will also assign staff to attend Command and Control meetings. Depending on the nature of the incident, once the emergency services are on scene, the main role of ABC and Cal Mac staff will be to assist with establishing the cordon, providing local knowledge and advice and the evacuation of persons.

An incident on the **Ferry** will initially be managed under the Ferry's own emergency plans, however it is obvious that aspects of this plan will come into effect at some stage, along with the Fire Plan and Security Plan as each incident dictates. The Master remains responsible and in command of decisions made on board, but will ultimately liaise with the Harbour Master, the Emergency Services, MCA/SOSREP on the actions required to safeguard the safety of life, environment and property. Response scenarios will depend on location of ferry, phase of discharge/loading operation, proximity and vulnerability of the passengers/vehicles. Close liaison between the Port Authority, the Emergency Services and will be essential due to the number of persons that may be involved. It may even be that the ferry’s own firefighting capability/resources could be utilised within the Port. Other Port Users, assets and resources may be called upon to assist, namely the local coastguard, lifeboat, tugs, boats and personnel.

Incidents on any **other vessel** within the Port will be dealt with as the circumstances dictate, but ABC have a good working relationship with the local Fire Service and regularly hold joint exercises. It is important that the Master of the vessel, the Harbour Master and the On-Scene Fire Commander evaluate and discuss the options available, including understanding what affect the fire extinguishing medium will have on the vessel’s stability. ABC will also need to refer to the Port Services Plan to minimise firewater contamination of the harbour water.

Written incident **reports** relating to Marine Incidents will be made by the Harbour Master and Duty Assistant Harbour Master as soon as possible after the event in the form of an ABC Marine Incident Report Form to be forwarded to the Marine Manager and Designated Person. For shore side related incidents, all personnel involved will be required to produce reports for the Harbour Master. Post incident reports will be shared between ABC and the Emergency Services with a view to improving future response and actions.
Key Personnel and Actions

Harbour Master/Assistant Harbour Master

The Harbour Master/Assistant Harbour Master will probably be the first to receive reports of an incident or emergency and will instigate the necessary notification procedures.

They must assess the seriousness of the incident by whatever means possible, i.e. CCTV, the opinion/attitude of the reporter, initiative and experience, and decide whether to make the 999 call. They do not have to wait for permission to do this.

Incident Control Officer

He is responsible for notifying, and keeping updated, HM Coastguard on incidents affecting the marine environment or with potential to affect the marine environment and/or port users. If deemed necessary, he has express permission to call-in a backup Incident Control Officer to assist him in his duties and to call Coastguard for a lifeboat presence in the harbour. Prior to the arrival of the Harbour Master, the Incident Control Officer has the delegated powers of the Harbour Master for the safety of navigation within the harbour and may direct vessels accordingly for safety reasons. He will be responsible for keeping a log of the incident from his perspective, ensuring the times logged are as accurate as possible. The Incident Logbook is to be used for this. He will monitor and record the incident to the best of his ability using CCTV. He must not leave Port Control unless instructed by the Harbour Master or his designated deputy. The Incident Control Office is manned 15hrs a day. The Harbour Master or his designated deputy will report to the Incident Control Office as soon as possible and become the Main Controller. On completion of the incident or emergency, he will provide a full report to the Harbour Master and will attend all de-briefings.

On being informed of an incident or emergency, the Duty Supervisor/Officer will assume the role of Incident Controller. He will proceed to the scene of the incident, if ashore, ensuring he has both a mobile phone and a handheld VHF on channel 12. He will ensure he is wearing high visibility ABC clothing. On arrival at the scene he will make an initial assessment and report back to Incident Control Room by VHF or mobile.

He will summon as much further assistance as deemed necessary depending on the nature of the incident, including the ABC First Aiders if appropriate.

Direct all operations within the affected area, with the following priorities:-
ABC Emergency Plan – Jan 2015

• Secure the safety of all persons

• Minimise damage to environment, property and plant

• Minimise loss of material

• Protect the scene for Police investigation

Ensure that all non-essential persons are evacuated to the designated assembly points

Hand over the control of the incident to the Senior Police or Fire Officer on arrival.

Ensure that the “Port Fire/Emergency Plans Box File” is handed over to the Emergency Services Incident Commander.

Remain on scene throughout and make regular reports to Incident Control Room.

Give as much advice and assistance to the emergency services as required, including advising on the location of Rendezvous Points and Marshalling areas.

He may not leave the scene until authorised by the Harbour Master or his designated deputy.

For incidents afloat, he will take such action as deemed necessary until arrival of the Harbour Master or his designated deputy.

On completion of the incident or emergency, he will provide a full report to the Harbour Master and will attend all de-briefings.

Main Controller

On receiving a report of an incident or emergency, the Harbour Master will assume the role of Main Controller and will report directly to the Incident Control Room. He will assess the situation from the reports of the Incident Controller and from the information provided by Harbour Staff. He will assess what resources have already been committed and what more is required. The Harbour Control Emergency Checklists are an aide memoire to assist him.

He will assist the Incident Controller in liaising with the Emergency Services and give as much advice and assistance as required, including advising on the location of Rendezvous Points and Marshalling areas.

He will assist the Incident Control Officers in making notifications and will make the tactical and strategic decisions necessary to get the emergency or incident under control. In the absence of the
Harbour Master, his designated deputy will act as Main Controller. This is likely to be Senior Assistant Harbour Master.

**External Roles and Responsibilities**

**Police Scotland**
- Protect life and property
- Co-ordinate the multi-agency response
- Protect and preserve the scene and investigate the incident
- Prevent crime and disorder
- Collate and disseminate casualty information/liaise with families
- Manage the Casualty List

**Scottish Fire & Rescue Service**
- Save Life and protect Property
- Protect the Environment
- Provide assistance in support of local communities
- Safety Management within the Inner Cordon
- Managing HAZMAT (hazardous materials)
- Provision of scientific advice
- Provision of an offshore fire-fighting element, MRT (Maritime Response Team)

**Scottish Ambulance Service**
- Save Life and prevent further suffering
- Facilitate Patient triage and prioritise evacuation
- Provide casualty treatment and transport to the most appropriate facility
- Co-ordinate all health resources supporting the incident
- Hazardous Area Response Team (HART) for HAZMAT incidents

**The Maritime & Coastguard Agency**
Draft: vs3  
ARGYLL & BUTE COUNCIL Marine Safety Management System

The role of HMCG as an on-call 999 emergency service is to initiate and co-ordinate the mobilisation, organisation and tasking of Search & Rescue resources to respond to persons in distress at sea and/or at risk of injury or death on the cliffs and shoreline. They must have due consideration and take action in respect of counter pollution and salvage issues on the coast and in adjacent waters.

**The Secretary of State’s Representative (SOSREP)**

SOSREP is responsible for any action relative to vessels that are necessary to protect the environment. He has the authority to oversee, control and if necessary, to intervene and exercise ultimate command and control of vessels. He can give direction to a vessels Master or owner, to Salvors, Pilots and Harbour Masters. His direction is enforceable by the Royal - Navy or the Police.

**The Environment Agency (EA)**

- Provide specialist environmental advice
- Monitor the effects of and the response to an incident to minimise the impact on the environment
- Work with the health authorities to provide advice on environmental impacts
- Provide air quality data and advice during an incident
- Co-ordinate pollution response on land and inland waterways
- Assist ABC with the arrangement for disposal of hazardous materials

**Argyll and Bute Council (ABC)**

- Alerting other local authorities and responders
- Deploy liaison officers when appropriate
- Assist in warning and informing the general public
- Co-ordinate voluntary organisations response
- Establish an Emergency Mortuary
- Provide Social Care and Welfare
- Assist with Evacuation Transport
- Arrange road closures and diversions
- Waste disposal
- Alert NHS /Public Health Scotland to toxic health hazards
- Co-ordinate marine pollution response on the shoreline
• Co-ordinate the response to animal disease outbreak

• Maintain as far as possible, existing services to the community

ROTHESAY HARBOUR LIMITS