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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE  
SERVICES COMMITTEE ON 21 JANUARY 2019**

**SUBJECT: HARBOURS SAFETY MANAGEMENT SYSTEM**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee with regard to a review of the Harbours Safety Management System in compliance with the Port Marine Safety Code (PMSC)
- 1.2 This report is submitted to Committee in terms of Section III (F) (25) of the Council's Scheme of Administration relating to the functions of Council as Statutory Harbour Authority (SHA).

**2. RECOMMENDATION**

- 2.1 **Committee is asked to consider and note the review of the Harbours Safety Management System, fulfilling their function as Duty Holder under the Port Marine Safety Code.**

**3. BACKGROUND**

- 3.1 Moray Council is the statutory harbour authority for six harbours (Buckie, Burghead, Cullen, Findochty, Hopeman and Portknockie), under the terms of s57 of the Harbours Act 1964, as conferred by the Grampian Regional Council (Harbours) Order Confirmation Act 1987.
- 3.2 As harbour authority the Council is committed to complying with the Port Marine Safety Code, which sets out a national standard for port marine safety. One of the key aspects of this is to have a Marine Safety Management System (MSMS).
- 3.3 The SHA must operate an effective MSMS which has been developed after consultation, is based on formal risk assessment and refers to an appropriate approach to incident investigation.

- 3.4 It is a responsibility of the Duty Holder to ensure that the key measures to secure marine safety are in place to the extent appropriate for their operations.
- 3.5 The PMSC specifies the MSMS should be operated effectively and revised periodically and states that the MSMS should incorporate safety policies and procedures to:
- ensure there is proper control of vessel movements by regulating the safe arrival, departure and movement within the harbour of all vessels
  - protect the general public from dangers arising from marine activities within the harbour
  - allow functions to be carried out with special regard to the possible environmental impact
  - prevent acts or omissions that may cause personal injury to employees or others
- 3.6 The MSMS should also:
- confirm the roles and responsibilities of key personnel at the organisation
  - outline present procedures for marine safety within the harbour or facility ( including the port approaches)
  - measure performance against targets (the organisation must have a database or system to record incidents, including near misses)
  - refer to emergency plans that would need to be exercised
  - be audited (internally) on an annual basis
  - be audited externally every 3 years
  - be formally reviewed every 5 years
- 3.7 The Harbours SMS was originally developed in 2002 by Jim Middleton, acting as a consultant to Moray Council on matters relating to compliance with the PMSC. The template used for the SMS at the time was widely adopted across a number of other harbour and port authorities. The document has been periodically reviewed in 2006, 2007, 2010, 2012, and 2017.
- 3.8 A review was carried out in late 2019 by the harbours management team. The current draft document, reflecting this review, is attached as **Appendix 1**. The MSMS is a living document which must reflect any changes in applicable legislation, port infrastructure, harbour activities, hazards to navigation, marine operations, organisational structure and key personnel.
- 3.9 The principal contents of the Harbour SMS are as follows:
- introduction including policy statement and applicable codes and regulations
  - an overview of the harbours managed by the SHA
  - risk management
  - emergency response procedures
  - performance and monitoring
  - conservancy
  - pilotage arrangements
  - incident and near miss reporting

- clarification of applicable legislation
- clarification of current governance structure
- update to job descriptions
- update to general training arrangements
- update to operating constraints for cargo vessels
- clarification of applicable environmental designations
- update to information relating to navigational aids
- update to pilot training requirements
- inclusion of Environmental Policy

Other minor changes to layout and wording have also been made.

- 3.10 The document was also reviewed in December 2019 by the appointed Designated Person (DP), Marex Marine & Risk Consultancy, Aberdeen, and the draft in Appendix 1 reflects their comments.

#### **4. CHANGES TO THE MSMS**

- 4.1 The format of the MSMS has been revised to remove duplication as well as to update a number of key areas, therefore a tracked change document is not practicable for review. The changes made (other than grammatical changes and changes to reflect latest updates such as Committee names etc) are as follows:
- 4.2 Update to the Duties, Powers and Responsibilities (s1.4) to reflect the current position, as clarified during the 2018 Port Marine Safety Code statement of compliance.
- 4.3 Update to the Responsible Persons (1.5) and Organisation Chart (1.6) to reflect changes to the structure of the harbourmaster's team – the introduction of an additional Assistant Harbourmaster and the deletion of the Burghead Harbourmaster post.
- 4.4 Update to the Qualifications and Training section (1.7) to reflect the National Occupational Standards and the Embarkation and Disembarkation of Pilots Code of Safe Practice.
- 4.5 Sections on Handling Dangerous Goods, ISPS and Port Waste Regulations have been moved to the main body of the MSMS from the Appendices to make them more prominent.
- 4.6 Section 9 on Conservancy has been moved to the main body of the MSMS from the Appendices to make it more prominent. It has been enhanced and updated with more detail on diving and salvage in particular.
- 4.7 Section 10 on Aids to Navigation has been moved from the Appendices and has been updated with the latest information including new lights.
- 4.8 Section 11 on Pilotage has been moved from the Appendices and updated, including greater detail on operating procedures.

- 4.9 Incident and Near Miss Reporting in Section 13 has been reviewed, and the role of the MAIB has been incorporated.
- 4.10 Section 14 on Permits to Work has been updated and has been moved from the Appendices.
- 4.11 Section 15 on recreational activities has been updated to reflect Cullen Sea School activities.
- 4.12 Section 16 on staff training has been updated.
- 4.13 A new appendix containing the Environmental Policy has been introduced, along with a new Drone Policy.
- 4.14 The emergency contact details have been reviewed and updated.

## 5. **SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Sustainable harbours maintained to operate safely and efficiently contribute to the economic development of Moray

### **(b) Policy and Legal**

Non-compliance with the Port Marine Safety Code could have legal implications as it would likely be a breach of Health & Safety legislation

### **(c) Financial implications**

Non-compliance of the Code may have financial implications in relation to cost of remedial actions and any fines related to this.

### **(d) Risk Implications**

Prosecution of the authority may result from the failure to comply with the Port Marine Safety Code.

### **(e) Staffing Implications**

Key personnel are to be trained, qualified and experienced.

### **(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

There are no specific equalities matters, however, the Equalities Officer has been consulted and comments incorporated into this report.

**(h) Consultations**

The Depute Chief Executive (Economy, Environment and Finance); Head of Environmental & Commercial Services, Legal Services Manager, Principal Accountant, Committee Services Officer (L Rowan), and Equalities Officer have all been consulted and their comments incorporated into this report.

**6. CONCLUSION**

**The council is currently deemed to be compliant with the PMSC, however, there is still work to be done to stabilise our position in relation to marine safety. This will be evidenced through future reports to this Committee, and scrutinised by this Committee as Duty Holder.**

Author of Report: Duncan Brown, Development and Operations Manager, Harbours

Background Papers:

Ref: