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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE  
SERVICES COMMITTEE ON 5 NOVEMBER 2019**

**SUBJECT: PORT MARINE SAFETY CODE – QUARTERLY REPORT**

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

**1. REASON FOR REPORT**

- 1.1 To inform the Committee with regard to matters of Marine Safety and compliance with the Port Marine Safety Code (PMSC) for the second quarter of 2019/20
- 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 It is recommended that Committee:-**

- (i) **consider and note the safety performance, fulfilling their function as Duty Holder under the Port Marine Safety Code; and**
- (ii) **note the findings of the Port Marine Safety Code health check which was voluntarily undertaken on 18 July 2019**

**3. BACKGROUND**

- 3.1 A report was submitted to the meeting of this committee on the 20 March 2018, with the subject Port Marine Safety Code (PMSC).
- 3.2 Paragraph 6 of the minute of that meeting instructs officers to report quarterly to this Committee, as the Duty Holder, on matters of marine safety.

**4. COMMITMENT TO THE PMSC**

- 4.1 Moray Council, in its capacity as a Statutory Harbour Authority, is committed to undertaking and regulating marine operations to safeguard all its harbour areas, the users, the public and the environment.

- 4.2 The aim of the harbour team is to manage operations safely, efficiently, sustainably and as a benefit to all of the users and wider communities.
- 4.3 The team are committed to:
- a) full compliance with all legal requirements in harbour operations while seeking to meet the changing needs of all harbour users
  - b) ensuring that all personnel are well trained, engaged and committed to improving safety in all processes. Competent skilled personnel backed by an active safety culture are key to a positive safety record.
  - c) undertaking hazard identification and risk assessments when required and implementing improvement measures where necessary.
- 4.4 The team expect that all harbour users recognise the effect that they can have on the harbours operation and reputation and must work to our standards as a minimum. A Permit to Work system is in place to maintain control over hazardous work. The team will ensure that any contractors or others management systems fully support the same commitment to health, safety and environmental performance.
- 4.5 Training for members of this Committee was provided by the Designated Person (Marex Marine) on 10 September 2019. Following the briefing session the following actions were agreed:
- Arrange Harbour Visits for Committee members - a visit to Buckie and Portknockie has been arranged for Tuesday 12 November 2019.
  - Circulate the SMS to Committee members - this document has been circulated to Committee members
  - Consolidate the legal advice on Duty Holder status into a single brief - this has been distributed to Committee members
- 4.6 The harbour team approached the MCA earlier this year and asked to participate in a Port Marine Safety Code Health Check to assist in the journey of continuous improvement in regard to the Port Marine Safety Code. The Health Check visit was carried out on 18 July 2019. The findings of the Health Check are contained in this report at paragraph 12.

## **5. VESSEL MOVEMENTS**

- 5.1 In the second quarter of 2019 there were 18 cargo movements (arrival and departure) at Buckie. This included 10 acts of pilotage, 8 in and 2 out, with none of the operations being in hours of darkness.
- 5.2 MV Peak Bilbao berthed in Buckie to collect a fabricated item from Forsyths for the oil industry. This was one of the largest vessels to ever enter Buckie Harbour
- 5.3 Fishing vessels principally comprised prawn boats throughout July, with squid trawler movements increasing towards the end of the quarter. Vessel movements for squid fishing are predicted to be high in the first part of quarter

3 as this is the principal season. The season has been encouraging from a commercial perspective.

- 5.4 There has been a decrease in the overall number of workboats using the harbour, although there is now some consistent repeat business. Other vessels associated with the off-shore industry are using Buckie harbour including a jack-up rig.

## **6. CONSERVANCY**

- 6.1 The navigation light for the outer basin at Cullen (Category 3 Aid to Navigation) requires replacement. The replacement unit has been procured and will be operational by the end of November 2019.
- 6.2 The priority areas for dredging are Burghead (sand bank approaching harbour entrance) and Buckie (entrance channel). Other dredging requirements include:
- Hopeman: mound of silt at the end of the pontoon system and another mound in the outer basin
  - Cullen: removal of sand from the beach side of the basin
  - Findochty: increase depth between the pontoons and entrance
  - Portknockie: no major issues at this time

## **7. GENERAL SAFETY IMPROVEMENTS**

### Buckie

- 7.1 Public access to the North Pier has been reinstated following the completion of the capital repair works. The majority of the potholes on the pier and all of those on the breakwater have been filled.
- 7.2 The pilot boat passed its Small Work Boat Code survey, including a stability test. Repair works were carried out in house prior to the vessel being taken out of the water.
- 7.3 Changes to storage and layout in the fishmarket has led to safety improvements with improved ergonomics for manual handling.
- 7.4 A new chemical has been trialled to treat areas of green algae in the harbour, with the early results being very positive. Combined with regular pressure-washing this should provide a more robust solution to this persistent issue.
- 7.5 A set of General Directions are being prepared which will clarify the correct safe operating requirements for a number of areas such as cover a variety of subjects including entry/exit from the harbour, speed restrictions and fuel bunkering.

### Burghead

- 7.6 Several repairs have been carried out to the slab work in Burghead making it safer for members of the public particularly.

- 7.7 The operation of the chill has been improved by the installation of two fans – this reduces the risk of the chill overheating, and is also likely to reduce energy costs by improving the efficiency of the chill.
- 7.8 Work continues to promote good housekeeping from harbour users – eg net storage and general cleanliness.

#### Findochty

- 7.9 Some concreting was carried out at the slip in Findochty to address trip hazards.
- 7.10 Four replacement pontoon sections and two pontoon fingers have been purchased for Findochty harbour. As these have been previously used by another harbour authority modifications are required, which will be carried out over the winter period to enable repairs and improvement to the existing pontoon system at Findochty.

#### Portknockie

- 7.11 The team from Morrisons carrying out the landslip repairs have showed very high standards of safety and continue to do so. Positive communication has been in place with the harbours team and harbour users throughout the project. The harbour and community have also received community benefit through Morrisons carrying out some repair work to the paddling pool

### **8. INCIDENT STATISTICS**

#### 8.1 Injuries:

There were no injuries to staff in the 2<sup>nd</sup> quarter at any of the harbours.

#### 8.2 Incidents:

On 15 September 2019 the engine cooling water pump failed on fishing boat INS 1037 “Charisma” resulting in the vessel taking water. The RNLI was called and the Coastguard was in attendance. The vessel was pumped out by the RNLI who also carried out a temporary repair to avoid further water being taken on board. An MAIB report has been submitted.

On 29 July 2019 a sailing yacht departed the harbour without permission whilst a large cargo movement was underway. The yachtsman failed to respond to radio contact. As a result the pilot instructed the cargo boat to stop making way into the harbour. The pilot boat attended the yacht to attract attention and instruct the yacht to move out of the way of the cargo vessel. The consequence of this intervention was that while a potential collision between the yacht and the cargo vessel was avoided, the yacht and pilot boat inadvertently made minor contact. No damage occurred to either vessel. This was reported to the MAIB.

### 8.3 Near Misses:

No near misses this quarter.

## 9. KEY PERFORMANCE INDICATORS

### 9.1 Pilotage

Pilotage is not compulsory at Buckie harbour, and therefore not all cargo movements require the services of a pilot. The number of pilotage acts carried out in the First quarter of 2019/20 was 10, in relation to 9 vessel movements in and out of the harbour.

### 9.2 Aids to Navigation

As a Local Lighthouse Authority, Moray Council is required to report the availability of all its navigational lights to the Northern Lighthouse Board in March of each year. The following table gives the detail that is reported on an annual basis. This is the table submitted in March 2019

Table 1: Availability of Navigation Lights

IALA Category	No Of Aids	Total Hours	No Of Failures	OOS Hours	MTTR	MTBF	Availability	Target Availability
<b>Moray Council</b>								
CAT 1	1	26,280	0	0:00	0:00	0:00	100.00 %	99.80 %
CAT 2	15	394,200	2	23737:40	11868:50	185231:10	93.98 %	99.00 %
CAT 3	4	105,120	1	17520:00	17520:00	87600:00	83.33 %	97.00 %
No Category	0	0	0	0:00	0:00	0:00	0.00 %	0.00 %
Totals	20							

Key to headings:

IALA	International Association of Marine Aids to the Navigation and Lighthouse Authorities
OOS hours	Out of service
MTTR	Mean Time To Repair
MTBF	Mean Time Between Failures

Table 2 lists all the navigation aids currently managed by the Council. There is only one Category 1 light, which is located on the West Mucks at Buckie harbour, principally to aid cargo vessel movements. There are eleven Category 2 lights and four Category 3 lights of which two are unlit beacons.

ALLFS No.	AtoN No.	Aton Name	Aton Type	Character	Range	IALA Cat
A3396.1	3396.1	Buckie Harbour. Cliff Terrace.	Sector Light	Iso WG 2s	16	CAT 2
A3394	3394	Buckie Harbour. N Pier. Lts in line 096. Rear. 60m from front	Leading Light	Oc R 10s	15	CAT 2

A3392	3392	Buckie Harbour. North Pier Lts in Line 096. Front	Leading Light	2 F R(vert)	9	CAT 2
A3396	3396	Buckie Harbour. W Pier. Elbow	Light	2 F G(vert)	4	CAT 2
A3391	3391	Buckie Harbour. West Muck	Light	Q R	7	CAT 1
A3429.	3429.	Burghead Harbour. Entrance Groyne	Light	FI G 5s	1	CAT 2
A3428.5		Burghead Harbour. Fishing Transit Light	Light	FG	1	CAT 3
A3424	3424	Burghead Harbour. N Pier. Head	Light	Oc W 8s	5	CAT 2
A3428	3428	Burghead Harbour. S Pier. Head	Light	Q G	5	CAT 2
A3426	3426	Burghead Harbour. Spur. Head	Light	Q R	5	CAT 2
	3383U	Cullen Harbour. North Pier.	Unlit Beacon			CAT 3
A3372	3372	Cullen Harbour. Outer Basin.	Light	FG	1	CAT 3
A3385	3385	Findochty. Ldg Lts 166deg. Front.	Leading Light	F R	3	CAT 2
A3385.1	3385.1	Findochty. Ldg Lts. Rear. Harbour Road. 30m from front	Leading Light	F R	3	CAT 2
	3386U	Findochty. West Pier	Unlit Beacon			CAT 3
A3418.1	3418.1	Hopeman Harbour. Ldg Lts 081deg. Rear. 10m from Front	Leading Light	F R	4	CAT 2
A3418	3418	Hopeman Harbour. N Quay. Elbow. Ldg Lts 081deg.Front	Leading Light	F R	4	CAT 2
A3416	3416	Hopeman Harbour. W Pier. Head	Light	Oc G 4s	4	CAT 2
A3382.1	3382.1	Portknockie Harbour. Ldg Lts 150 30' (Rear)	Leading Light	FI G	2	CAT 2
A3382.	3382.	Portknockie Harbour. Ldg Lts. 150 30' (Front)	Leading Light	FI G	2	CAT 2

Local Lighthouse Authorities are required to manage their Aids to Navigation within international guidelines as determined by the IALA. Aids to Navigation (AtoN) are categorised according to their navigational importance with their 'availability' requirements reflecting this:

Availability	Objective	Definition
Category 1	99.8%	AtoN considered to be of primary navigational significance
Category 2	99.0%	AtoN considered to be of navigational significance
Category 3	97.0%	AtoN considered to be of less navigational significance

The 'Availability Objective' is calculated over a rolling 3-year period. This means that over this period a Cat 1 AtoN needs to be functional for 99.8% of the time.

## 10. GENERAL COMMENTARY

- 10.1 Although the pilot boat passed its MCA survey, it is now considered life expired, with continual repairs and maintenance required to keep the vessel operational. The capital plan already acknowledges this as a budget pressure. A business case has been accepted by Asset Management Working Group to procure a replacement vessel and this is being submitted to Policy & Resources Committee.

## **11. FUTURE OBJECTIVES AND PLANS**

- 11.1 Objectives identified for 2019 and beyond include the following:

- Review of SMS: the SMS is currently under routine review and a revised SMS will be presented to a future meeting of this committee
- Monitor consistent incident reporting, including potential incidents
- Implement new KPIs
- Undertake further reviews of Marine Policy, SMS and training requirements
- Maintain momentum of Pilot training and accreditation

## **12. PORT MARINE SAFETY CODE HEALTH CHECK**

- 12.1 The harbour team approached the MCA earlier this year and asked to participate in a Port Marine Safety Code Health Check to assist in the journey of continuous improvement in regard to the Port Marine Safety Code. The Health Check visit was carried out on 18 July 2019.

- 12.2 As per the MCA report the scope of the Health Check is as follows: “The purpose of a ‘Health Check’ visit is to assess whether the port is, on the day of attendance, effectively implementing the PMSC. The PMSC applies to all Harbour Authorities in the UK with statutory powers and duties. The visit is designed to provide advice and to assist the port in implementing the Code and in so doing, enhance port safety,”... “This report summarises observations made during the visit and is not construed as a statement of compliance to all or part of the code”.

### **12.3 Recommended Enhancements**

The enhancements (MCA term) recommended by the MCA are quoted verbatim in the following paragraphs with updates / actions / clarification from the harbours team where appropriate.

### **12.4 Duty Holder:**

1. “The Council is newly formed following recent local elections. The Economic Development & Infrastructure Services Committee includes a number of Councillors who do not have responsibility for coastal areas. In their capacity as PMSC Duty Holders they may benefit from a programme of briefings and operational visits. Alternatively, the Committee may consider appointing a sub- group to bring more focus to Marine Safety responsibilities.”

Response: A briefing / training session was held for the Duty Holder on 10 September 2019, and harbour visits are planned for 12 November 2019.

2 “An organisation must publicly report on the PMSC performance annually.”

Response: Annual and quarterly reports are submitted to the Duty Holder and are both published and discussed in the public domain.

3. “The Duty Holder’s safety policy statement does not refer specifically to the PMSC.”

Response: The safety policy statement is that of the Moray Council. A bespoke Harbour specific statement will be considered as part of the review of the SMS. The revised SMS will be brought to a meeting of this committee in early 2020.

4. “The current role profiles for key staff members do not reflect current job descriptions and should be updated.”

Response: Clarification has been sought on the meaning of this statement. In the interim as part of the SMS review the relevant job descriptions and the referencing of the PMSC functions will be reviewed to ensure that the position is correctly and clearly reflected.

## 12.5 Designated Person

1. “It is the Duty Holder’s responsibility to decide on the appointment of the DP to provide a level of assurance that they believe is necessary to comply with the Code”

Response: Marex Marine has been appointed as the Designated Person. This appointment was made in 2015 at a point when the Duty Holder was identified as the Head of Direct Services.

2. “The MSMS must incorporate a regular and systematic review of its performance. This should be based on information from monitoring the system itself and from independent audits of the whole system.”

Response: The annual report compiles safety performance statistics from the year and uses the SMS as a base for this. This also includes feedback from audits such as the Health Check and the DP’s audit.

3. “The current DP responsibility is invested in the MAREX Marine and Risk Consultancy appointed in 2015. There was a DP review in 2017. Under the GTGP section 2.3.27 a harbour master/ deputy at another port, perhaps under reciprocal arrangements, could provide responsibility as the DP.”

Response: Most local authorities across Scotland prefer to seek independent assurance, and the majority procure DP services from the private sector. Time availability of harbour officers to carry out DP duties for other harbour authorities is also a factor to be considered. It is recommended that the council continues with externally procured DP arrangements.

## 12.6 Risk Assessments



1. "The Harbour risk assessments were integral to the general risk assessments associated with port activity ashore and afloat. To meet the requirements of the PMSC the risk assessments for marine operations should be separate and distinct from the others and be linked directly to the MSMS. Not all marine risks were addressed. There were notable omissions for example:- Fire on vessels, Grounding, Collisions. These should inform the emergency response procedures." "

Response: A list of specific risk assessments has been compiled and is being worked through to comply with this recommendation.

2. "The port has arrangements for the bunkering of vessels by road tanker however there is no current risk assessed procedure nor requirement to inform port control before and after completion of bunker operations. A checklist and communication protocol should be added to the MSDS."

Response: The risk assessment has been prepared and the procedures have been incorporated into the draft General Directions that are being prepared.

## 12.7 Pilotage

1. "Both Buckie and Burghead harbours are competent harbour authorities with associated powers of direction. It has been decided that the current trading pattern in Burghead obviates the need for pilotage services. The 1987 Pilotage Act requires that the pilotage service provided by any CHA should be based upon a continuing process of risk assessment. Buckie has a voluntary pilotage service which is offered on demand. There is currently no risk assessment to support the pilotage policy of either facility."

Response: Risk Assessments will be prepared to identify the pilotage needs of Moray's harbours before December 2019. Any recommendations to change the current provision will be brought to this Committee.

2. The assistant harbour master is also the main pilot for the port of Buckie. He is supported by a part-time experienced pilot who is available and engaged on an ad hoc basis. The assistant harbour master was trained by the latter and followed a training regime designed by the harbour master which is well documented. However, there is no recognised professional development or revalidation scheme currently established.

Response: The pilot training programme was introduced by the current harbours team in 2017. Revalidation is carried out as a statutory process. The revised SMS has been drafted to include periodic briefings. As yet, no suitable formal professional development has been identified, although a programme of learning visits to other similar and larger harbours is suggested.

3. There is currently no formal exchange of information between the master and the pilot. A Pilot information card should be introduced.

Response: The information card has been produced and is being used for all acts of pilotage. Its use is incorporated into the review of the SMS.

4. The MSMS has limited directions for vessel movements. These could be enhanced with clear instructions. An example is a direction to vessels to call port control on departure rather than gaining clearance prior to leaving the berth. Other criteria including adverse weather and reduced visibility could be also included

Response: A set of General Directions has been drafted and will be introduced at the harbour once finalised.

5. Although the port control operator has a checklist for vessels reporting inwards, which addresses those with declared defects, there is no procedure to pass on this information, either by the operator or the pilot, to the MCA as the Port State Control Authority. Vessels considered sub standard should also be reported accordingly.

Response: Procedure established for pilot to call Aberdeen Coastguard to report any issues. This is reflected in the SMS review.

## 12.8 Incidents

1. There have been 3 collisions within the port of Buckie within the past 18 months. Two involved collisions with the port infrastructure by inbound vessels. A third was between 2 vessels one underway and the other berthed within the port. Only the latter was reported to MAIB by the port authority. A pilot was embarked on at least one of these occasions. These are all 'serious marine casualties' (GTGP 13.2.4) and should be reported to MAIB and MCA Port State Control Inspectors (MGN 458 and GTGP 13.5.1 refers)

Response: There had been historic confusion around the MAIB reporting arrangements with incorrect information held in the harbour office. This was clarified by the management team in discussions around the third collision, and that – and subsequent incidents – have all been reported to the MAIB by Moray Council as Harbour Authority. It should be noted that all incidents had been reported internally and raised at the Harbour Safety Meetings.

2. These 'serious marine casualties' should be individually and collectively investigated. It may be desirable to identify the need to engage external resources to carry out an investigation.

Response: The incidents were all investigated at the time of occurrence. Although there were some similarities in that the port infrastructure was collided with, each had different circumstances and root causes.

## 12.9 Training

There is no current training nor professional development scheme in place. The Harbour Master and his assistants could benefit from a recognised training programme such as the UKHMA certificate or other marine based qualifications.

Response: There is a training matrix for the Harbour Assistants in line with the skills and qualifications required by the role (as documented in the job description). The Harbourmaster's Career Grade training scheme already requires achievement of the UKHMA certificate or equivalent. Consideration will be given to whether a similar requirement should be in place for Assistant Harbourmasters.

The Harbour Master could benefit from wider consultation with other port authorities available through trade organisations such as the UKHMA.

Response: Moray Council is a member of the British Ports Association and the Harbourmaster attends various learning and briefing events. The Council is also a member of the Port Skills and Safety Group which is a valuable source of information and support.

#### 12.10 Conservancy

The ports have a well established and regular programme of hydrographic survey with an associated dredging programme. However, the information is not widely promulgated.

Response: Relevant information is passed to the Hydrographic Office. Consideration will be given to better communication more localised information on aspects that do not affect charted depth.

#### 12.11 Consultation

A consultation process is in place but marine safety is included in a general harbour advisory committee agenda, for each of the ports, chaired by the councillor for the area. The PMSC is not necessarily sufficiently addressed as it is in competition with a number of other local issues. A separate PMSC stakeholder meeting, focusing on marine safety and chaired by the harbour master, should be considered

Response: The Guide to Good Practice notes User Committees as an option used by some harbour authorities 'for the purpose of facilitating users' contributions to risk assessment and of informing and updating users on the day to day management of marine operations in the port or facility'. This is one of the principal purposes of the Harbour Advisory Committees. Safety is a documented agenda item at all meetings. It is suggested that trying to generate representative attendance at a secondary meeting would not be successful. When a formal consultation is carried out on any matter, this is communicated in writing to members of the Harbour Advisory Committees and others as appropriate.

### 13. **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 Code will have legal implications

**(c) Financial implications**

Non-compliance of the Code may have financial implications

**(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) Legal Services Manager, Principal Accountant, Committee Services Officer (L Rowan), and Equalities Officer have all been consulted and their comments incorporated into this report.

**14. CONCLUSION**

**14.1 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: Nicola Moss, Transportation Manager

Background Papers:

Ref: