

Report of: Operational Services Manager
To: Community and Resources Committee
Subject: Port Marine Safety Code Annual Report
Date: 26th April 2021

PURPOSE OF REPORT:

Bideford Harbour Annual Port Marine Safety Code report to Community and Resources committee

1. INTRODUCTION

Torrige District Council is the Statutory Harbour Authority for the Port of Bideford. This includes responsibilities associated with its function as the Statutory Harbour Authority and Competent Harbour Authority in relation to the pilotage vessels to and from berths at Bideford and the Yelland berths on the Taw estuary.

This report previously went to the Harbour Board who are made up of Elected Members and Independent advisers and provides strategic direction to the Harbour Authority, although it has limited decision-making powers. The decision making function lies with the Community and Resources Committee which is the Duty Holder for the Port of Bideford and ultimately Torrige District Full Council.

2. REPORT

Numerous reports have been brought to the Harbour Board in recent years on the Port marine Safety Code, first published in March 2000. This Annual Port Marine Safety Code report serves as an update for members and to advise of the Ports continued compliance with the Port Marine Safety Code.

The Port Marine Safety Code (PMSC) sets out a National Standard for every aspect of Port Marine Safety within ports in the United Kingdom. The code is applicable both to statutory harbour authorities and to other marine facilities, such as Marinas and terminals.

The code is primarily intended for the Duty Holder, which means for most organisations, those members of the organisation, both individually and collectively, who are ultimately responsible for marine safety.

In order to comply with the PMSC, statutory harbour authorities must consider the following Ten Measures.

1 DUTY HOLDER: Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the code



and their performance, in ensuring safe marine operations in the harbour and its approaches. The Harbour Board decided in September 2020 that the Community and Resources committee would act as the Duty Holder for the Port of Bideford and this was subsequently ratified by the Community and resources Committee.

2 DESIGNATED PERSON: A “Designated Person” must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the Duty Holder. The Harbour Board noted that the Harbour authority had appointed Janet Williams, Environmental Health and Safety Manager for Torridge District Council as the Ports Designated Person at the October 2018 meeting.

3 LEGISLATION: The duty Holder must review and be aware of their existing powers based on local and national legislation, seeking additional powers, if required in order to promote safe navigation. Maritime Lawyers, Ashford’s reviewed the Harbour authorities Legislation in January 2018 and this was subsequently reported to the Harbour Board and Duty Holder.

4 DUTIES AND POWERS: Harbour Authorities must Comply with the duties and powers under existing legislation, as appropriate and Bideford Harbour Authority complies in this respect.

5 RISK ASSESSMENTS: Ensure that marine risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice. As part of the PMSC Audit and review process, the Risk assessments were review by the port’s Pilot Paul Brown in December 2020 and subsequently by the Harbour Master in January 2021. The Designated Person retains oversight of this process.

6 MARINE SAFETY MANAGEMENT SYSTEM: 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. As part of the Harbour Authorities ongoing audit and review process the SMS was reviewed by the harbour master in January 2021 and printed in this report for Harbour Board for Scrutiny. It is intended to be published on the Harbour Website after approval by the Board and Duty Holder.

7 REVIEW AND AUDIT; Monitor, review and audit the risk assessment and MSMS on a regular basis-the independent designated person has a key role in providing assurance to the duty holder. Further to this the Marine Safety Plan needs to be audited externally on a three-yearly basis. The Marine Safety Plan 2021-2023 is presented in this report to the Board for Scrutiny.

8 COMPETANCE; Use competent people (who are trained qualified and experienced) this is referenced in the Marine Safety Plan 2021-2023

9 PLAN; Publish a safety plan showing how the standards in the code will be met and produce a report assessing performance against the plan at least every three years. The Marine safety plan 2021-2023 presented to the Harbour Board at this meeting for scrutiny.



10 AIDS TO NAVIGATION; Comply with directions from the General Lighthouse Authorities and supply information and returns as required. This has been referenced in the Current Marine Safety Plan 2021-2023

Further to this the Duty Holder must report compliance with the code to the Maritime and Coastguard Agency every three years with this coming March 31st, 2021 being the next deadline for such a report.

All duty holders should take time to gain an appropriate insight and understanding of their organisations port marine activities, SMS and supporting policies and procedures. This can be accommodated through briefings and operational visits. Serious consideration should be given to appointing a member of the board who has relevant maritime experience and who can act as an initial point of contact for the designated person.

The duty holder should also ensure that appropriate resources are made available for discharging their maritime safety obligations.

3. IMPLICATIONS

Legal Implications

On the matter of accountability and legal liability under local authority legislation the principal responsibilities remain with the council in the corporate sense.

The Duty Holder is responsible for ensuring safe marine operations with the harbour Authorities jurisdiction. Failure to discharge the duties responsibly may result in corporate prosecution and liability for any incident involving navigational safety.

Financial Implications

No known resource implications arising from this report.

Human Resources Implications

No known resource implications arising from this report.

Sustainability/Biodiversity Implications

The Harbour Authority is committed to working with colleagues and Partner organisations in supporting all relevant environmental protection legislation.

Equality/Diversity

The Harbour Authority seeks to comply with all Equality and Diversity Legislation



Risk Management

The Harbour Authority has a Maritime Safety Management System based on risk assessment in compliance with the Port Marine Safety Code

Compliance with Policies and Strategies

Bideford Harbour Authority seeks to comply with all Torrington District council policies and Strategies.

Ward Member and Leader Member Views

Date of Consultation – Cllr Hicks 18/04/21

4. CONCLUSIONS

Bideford Harbour authority is fully compliant with all statutory legislation and government policy on the Port Marine Safety Code.

5. RECOMMENDATIONS

To note this report and recommendation of the Designated Person to the Harbour Board of The Harbour Authority's continued compliance with the Port Marine Safety Code.

This was approved by the Harbour Board and the Chairman (Cllr Hicks) has subsequently written to the Maritime and Coastguard Agency advising of such.

SUPPORTING INFORMATION

Consultations:	Date of Consultation – 16/04/21 Officers Consulted – Sean Kearney, Janet Williams, Staci Dorey, Richard Haste, Councillor Hicks, Steve Hearse
Reporting officer	Richard Haste

