

Port Marine Safety Code Health Check Trends 2016



Maritime &
Coastguard
Agency

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terminals and marinas*

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“The Port Marine Safety Code sets out a national standard for every aspect of port marine environment. Its aim is to enhance safety for everyone who uses or works in the UK port marine environment.”

“The PMSC is applicable both to statutory harbour authorities and to other marine facilities which may not have statutory powers and duties.”

Introduction

This year saw extensive revision of both the Port Marine Safety Code (PMSC) and the Guide to Good Practice on Port Marine Operations (GTGP).

Following significant input from industry stakeholders, the updated PMSC was launched by The Rt. Hon John Hayes MP in November 2016.

The GTGP underpins the ethos of the PMSC by providing guidance and examples, written and agreed by industry, to assist organisations in promoting and executing safe, efficient and accountable port marine operations based on best practice.

The Maritime and Coastguard Agency (MCA) seeks to undertake eight PMSC health checks annually, aiming to visit a range of different types of organisation across all parts of the UK. A visit may be triggered by evidence of a problem (or potential problem) at a harbour or facility; self-reported non-compliance; user feedback or a request for assistance. A health check is intended to measure compliance with the PMSC and identify any areas for improvement, strengths and good practice. A health check is not a formal inspection or enforcement action but will assist the facility in further enhancing safety.

Future health checks will continue to have a particular emphasis on supporting smaller harbours, lochs or ports and particularly those under municipal ownership, whilst ensuring that larger facilities are also compliant.



'Out of seven health checks conducted in 2016, one was deemed non-compliant and will receive a return visit to verify that issues have been addressed'

Executive Summary

This report provides indication of current trends in PMSC compliance. It will also provide examples of enhancements and best practice that have been observed during health checks undertaken mainly in 2016 and some in early 2017.

During this period, the MCA conducted seven PMSC health checks throughout the UK at the following facilities:

- 3 x Private Ports
- 3 x Municipal Ports
- 1 x Trust Port

One organization was deemed to be non-compliant and will receive a return visit to verify that the identified issues have been addressed.

The following areas were highlighted for improvement in a number of cases:

- **Duty Holder;**
- **Designated Person;**
- **Risk assessments;**
- **Marine Safety Management System;**
- **Audit and review; and**
- **Consultation and information dissemination.**

Other adverse trends highlighted include issues related to:

- **Qualification of boat operators;**
- **Bye Laws;**
- **Incident reporting;**
- **Towage operations.**

Observed best practices noted were:

- **Duty holder**
- **Training**
- **Consultation and information dissemination.**



The following summarises the key issues and trends observed in each of these areas:

Duty Holder

- Duty holder awareness of roles & responsibilities
- Formal & documented streams of reporting to the Duty Holder
- PMSC training for Duty Holders

➤ **Designated Person**

- Awareness of roles & responsibilities
- Formal & documented streams of reporting to the Duty Holder
- Conduct of timely assessments and audits to check the effectiveness of MSMS

➤ **Risk assessments**

- Define & document review frequency
- Identify ranked hazards and use of ALARP principle
- Review of risk assessments post incident / accident report
- Stakeholder engagement when reviewing risk assessments
- Response to navigational and marine emergencies

➤ **MSMS**

- No MSMS in place
- MSMS and harbour procedures disjointed
- No set review frequency
- Customs and practices not captured by MSMS e.g. hot works, bunkering, engine immobilisation, etc.
- Staff roles and responsibilities not defined (including Harbour Masters)



➤ **Consultation and information dissemination**

- No consultation during risk assessments
- No user group to help build a consensus on safe navigation
- No marine / navigational guidance to users

Among best practices:

➤ **MSMS**

- Made good use of policies, procedures and checklists
- Proportionate view on compliance with the Code

➤ **Duty Holder**

- Incorporation of the role of the duty holder to support the principles of governance

➤ **Training**

- Delivering effective and port safety training

➤ **Consultations and dissemination of information**

- *harbour's involvement with neighbouring port authority user groups*
- *Effective use of port safety notices to masters*

The MCA encourages the industry to take account of the enhancements mentioned in this report and consider if any might be applicable to their organisations.



'The harbour should encourage clear access and flow of reporting and information directly from the DP to the duty holder and vice versa, this should include the DP meeting the duty holder to provide clear guidance on his roles and responsibilities under PMSC'

Observed Enhancements

The following enhancements were observed during 2016 health checks:

Duty Holder

- *It was recognised PMSC related items were often reported up the chain to the duty holder. Duty holder should have direct access to PMSC-related issues rather than being reported up the chain.*
- *Duty holder being a sub-committee has not grasped the opportunity to exercise their responsibility. Safety Management System should identify the responsibilities of the duty holder. MSMS once revised should be presented to the duty holder to be approved.*
- *The Harbour should confirm their intention to work towards PMSC compliance.*
- *...`X' Council currently has not published the overriding responsibility of the duty holder. X Council is to clearly identify the duty holder and make arrangement to publish the overarching responsibility of the duty holder.*

Designated Person

- *Section `A' of the Group operations manual states the authority's policy on audit, specifically that the: 'designated person or his deputy will audit each group of ...ports annually using appendix 1' (which is a PMSC specific checklist based on sections of the PMSC). It was noted that the DP last carried out an audit in line with section.....in 2014. In 2015, an audit was undertaken by X in place of the DP's audit. It was also noted*



that in 2016, the notion was that the MCA health check would fulfil the requirements of the DP's annual audit.

Noting that the policy of requiring the DP to carry out PMSC audits annually has recently been introduced from a position where the requirement was previously 3 years, it was felt that neither the X audit or the MCA audit fulfil the requirements of the policy stated in section....

- *..... Director is currently the PMSC designated person. He is well qualified to act in this capacity but his role, within the management structure, is multi-faceted and includes acting as the authorised assistant Harbour Master on occasion. It is not clear that this provides the independence expected of the DP in relation the PMSC. The appointment of an external DP may be a consideration.*
- *Noting that the policy of requiring the DP to carry out PMSC audits annually has recently been introduced from a position where the requirement was previously 3 years, it was felt that neither the external audit or the MCA audit fulfil the requirements of the policy stated in operations manual as 'designated person or his deputy will audit each ports annually...'*
- *DP is well qualified to act in this capacity but his role, within the management structure, is multi-faceted and includes acting as the authorised assistant Harbour Master on occasion. It is not clear that this provides the independence expected of the DP in relation the PMSC. The appointment of an external DP may be a consideration.*
- *'A-another' is currently the PMSC designated person besides having the responsibility of overseeing the harbour activities. He is also the author and custodian of MSMS. This may not provide the independence expected of the DP with respect to PMSC. The role of the DP should therefore be reviewed and an external DP may be considered.*



Marine Safety Management System (MSMS)

- *The MSMS should formally document and refer to the harbours procedures and other existing procedures; these could ideally be reviewed at the same time as the relevant risk assessments.*
- *It was felt that the MSMS could be further enhanced by including ref to the roles, responsibilities and training requirements of the 'Marine Operations Manager' which is currently not documented in the authorities safety management manual (SMM). It was seen that this role also includes elements of deputising for the Harbour Master, which should also be formally recognised and documented in the Safety Management Manual to assist with accountability.*
- *Safety Management Manual captures some training / experience requirements for staff. Consideration should be given to including these requirements for other staff, such as the Harbour Master.*
- *Regular meetings are convened of the 'Port management Group' which includes attendance by the duty holder. It was felt that the Safety Management Manual could define the frequency of these meetings. It was also observed that a copy of an agenda and minutes from a recent meeting did not reflect the topics for discussion prescribed in relevant section of the Safety Management Manual.*
- *Consideration should be given to forming a 'port user group' which could include representatives from leisure users, pilots, tug masters, pilot boat crew, agents etc., and help to gain a consensus on safe navigation. Such a user group may also assist with reviewing appropriate risk assessments.*



The 'Incident or Near Miss report form' could benefit from the addition of:

- *A trigger for reviewing the appropriate risk assessment, including the recording of any appropriate changes to the mitigations or settings to frequency etc. and who has undertaken the review.*
- *A 'closing the loop' box which records whether the report is open or closed and any actions which have taken place etc.*
- *It was seen that 'Incident or Near Miss report form' in the back of the SMM was primarily focused on commercial shipping users. Further discussion could consider whether reports from leisure users could be encouraged by promoting a similar report form in the leisure user's visitor pack.*
- *It was felt that consideration should be given to determining what activities the port authority might want vessels to notify them of. This might include hot works and engine immobilisation for example. Once these activities have been identified, consideration should be given to the best way of promulgating these requirements to vessels. This is often achieved by providing agents or masters with a simple document on arrival which explains what permissions need to be sought. This document could capture or compliment the current requirement to seek permission before bunkering or diving commences.*
- *'X' harbor not being a Competent or Statutory Harbour Authority, current MSMS do not reflect the true organizational status and other related functions. MSMS is to be reviewed, updated and published. There is no comprehensive safety plan available to cover the recommended 3 year period.*
- *The work to formalise and document the procedures element of the MSMS should define any appropriate permissions or processes regarding marine related activities, such as diving and craning works.*



- *MSMS (revision 5) to be signed by employees when accepted by the DH. MSMS to be published on website together with Council's commitment to PMSC.*

Consultation and Information Dissemination

- *It was reported that, in general, hot works are not permitted within the harbour, however some low key routine burning or welding maybe acceptable. It was suggested that the fisherman's guidance for the harbour could include a statement confirming that harbour users need to seek permission from the harbour master, or one of his officers, before conducting hot work, this should include a description of what a harbour defines as hot work.*
- *Currently, consultation is invested in the established quarterly Safety Meetings (lapsing to six months on occasion). However an annual meeting specifically on navigational issues and involving all Lough users may better address the PMSC requirement on Stakeholder Consultation. This could be announced and convened initially through the auspices of the local District Marine Safety Committee Working Group.*
- *Currently MSMS has not taken account of individuals or organisations involved in various port activities. MSMS to detail persons/organisations such as Harbour User Group etc. involved in various port activities.*
- *HA facilitates stakeholder meetings for interested parties however there is no evidence of attendance by cruise trade representatives.*

Risk Assessment

- *Currently there is no record of formal risk assessments for aids to navigation. Aids to Navigation are to be risk assessed. It is also suggested that the spacing of quayside ladders and the provision of lifebuoys be investigated for safe deployment*



- *Formal risk assessments are not complete. Staff performing risk assessments have not received appropriate risk assessment training.*
- *Considerations should be given in the MSMS to formally define:*
 - *the review frequency;*
 - *the Council's definition of ALARP which may be associated with the risk score;*
 - *the mechanisms to trigger a review e.g. post-accident / incident, change in trade and planned review frequency; and*
 - *who is involved with Risk Assessment reviews? For example, the Harbour Consultative Group or other individuals could be utilised to assist with the risk assessment reviews.*
- *It was reported that the risk assessment as presented is yet to be completed. Once this task is complete, it will utilise the Council's approach for risk assessment, and capture all Port Marine-related risks.*
- *The current risk assessments do not address response to emergency situations. The Harbour Master has put emergency response checklists in place pro temp but a full review of the risk assessments should be considered.*
- *It was seen that the risk assessment process had recently been reviewed as a result of some recommendations from the DP's audit. It was felt that the following may further enhance the risk assessment process:*
 - *Insert an additional column which captures the date when an individual risk assessment is due for review and records when the review was actually undertaken, particularly if the review was triggered as a result of an incident rather than as part of the planned annual review.*



- *Insert an additional column which allows some comments to be inserted which could include things like: actions or changes which have taken place as a result of the review e.g. procedural changes, further training, new resource required, No further action etc. The additional box should also reflect who has undertaken the specific review.*
- *Consideration should be given in the future to including other appropriate members of staff or external stakeholders during risk assessment reviews, this helps to engage with port users and also helps the authority gain a consensus on safe navigation from all affected parties.*
- *Marine Accident Investigation Branch and other accident reports related to incidents involving port marine activities should be reviewed on a regular basis in order to glean any relevant lessons.*

Promulgation of Information

- *There is no evidence of promulgation of harbour and or safety information to the port users and other related sector. Harbour information is to be promulgated through council website, leisure website and through notices to mariners.*

Providing Information to Users/Website

- *X District council is the owner of Y harbour and maintains a dedicated web page. X's website has no information about Y harbour. It is suggested that relevant information and contact details etc. be uploaded to X's web page.*



Professional Qualifications and Competencies for Marine Personnel

- *Harbour Authority pursues an active training scheme for employees. Staff are involved in risk assessments but have not had formal risk assessment training. Marine training schedule to be revised (e.g. man overboard).*

Audit and Review

- *The audit, review procedure and the provision of safety plan do not reflect the guidance provided in PMSC/GTGP. Audit and review procedures should be introduced in accordance with guidance provided in GTGP.*

Pilotage

- *The port authority has recently used an external source to undertake and independent review of its pilotage service. This review has highlighted a number of pilotage and passage planning recommendations as follows and which were all being considered:*
 1. *Consider bridge resource management courses*
 2. *Review master pilot exchange process*
 3. *Review the port specific passage plan*
 4. *Define the ports under keel clearance criteria*
 5. *Consider allocating alternative VHF working channels during pilotage acts where two vessels are transiting the area*
 6. *Consider when it may be appropriate to use two pilots*
 7. *Consider scheduling check trips with pilots*



Port authority is encouraged to continue working towards concluding the recommendations mentioned above.

- *Harbour Authority has in the past carried out a risk assessment on the provision of pilotage for vessels bound for the harbor. Following an incident and consequent discussions during the Health Check, it was felt that Harbour Authority should revisit the pilotage risk assessment.*
- *The relationship and arrangements regarding the provision of pilotage between Overarching Associate and Harbour Authority were discussed. It was felt that further clarity should be provided to Harbour Authority regarding the CHA status with regards to the formal pilotage agreement in place.*

Directions

- *A simple template should be drawn up which provides an appropriate form of words which could be used in the event of the Harbour Master or a designated assistant / deputy needing to issue a special direction.*
- *Pilotage and general direction within Harbour Authority's area of responsibility is clearly defined and exercised. The area of pilotage outside of the port is the responsibility of external authority. The Harbour Authority's CEO is chairman of the Board of Commissioners at external harbor and the Harbour Authority Harbour Master is also an external harbor Board member. This provides a close working relationship between the two authorities where the Harbour Authority act on behalf of external harbor for pilotage and general direction (including emergency response). There is no formal arrangements between Harbour Authority and Commission but this may be resolved by formal agreement such as a Memorandum of Understanding for the part of the area under Harbour Authority.*



Port-Marine Services/Port Entry/Sailing

- *Operators of the tender provided for use within the harbour are not qualified as their certificates are not commercially endorsed.*
- *A formal checklist for visiting craft is not in place. Restricted visibility guidelines and weather parameters are not in place.*

Safety Plan

- *The Harbour Master has initiated a significant number of improvements to the PMSC which will be implemented over the next 12 months however there is no comprehensive safety plan available to cover the recommended 3 year period.*
- *No emergency plan in place. Harbour revision order (HRO) is in hand. No HRO for other ports within the jurisdiction of the Harbour.*

Towage Operations

- *Currently there is no guarantee of tug services for emergency deployment. The introduction of a formal contract with a service provider may give the assurance required.*

Bye Laws

- *The Byelaws were last issued in 1998. Their review is currently under consideration to ensure they reflect the latest trends and requirements of the port's operation.*



Incident Reporting/MAIB

- *Harbour staff and port users to be made aware of obligations to MAIB regarding accidents / near misses.*

- *A major incident involving a fumigated cargo carried aboard the 'MV non such' resulted in exposing a significant number of crewmembers and stevedores to poisonous gas. Although the incident and follow up was well handled at the time a documented response in the form of a specific risk assessment is suggested.*



'It was particularly encouraging to see that a system is in place that captures when a risk assessment has been reviewed as a result of receiving an incident report. The port clearly recognises the benefit of the risk assessment database being a living and evolving system.'

Observed Best Practice

A number of examples of best Practice were observed during the 2016 round of health checks in the following areas:

MSMS

- *The harbour's MSMS was seen as a good example of how a harbour of this size and layout can take a proportionate view on compliance with the code.*
- *The port authority's MSMS was seen as a good example, making good use of policies, procedures and checklists*

Duty Holder

- *The recently formed 'Port Management Group' and the formal designation of the Duty holder as chairman of the group was seen as a good example of how the role of duty holder can be incorporated and support the principles of governance under the port marine safety code.*

Training

- *An example of a training video used as part of induction training for mooring operations was seen as a good tool in delivering effective and Port Safety training.*



'The management approach to planning stakeholder meetings and engagement was seen to be well thought out and executed, utilising a simple annual planner listing all the various stakeholder meetings and when they would be scheduled.'

Consultation and information dissemination

- *Good examples of consultation were seen, especially the harbour's involvement with neighbouring harbour authority user groups. The Fisherman's Guide to the harbour was also recognised as a good source of information for the harbour users*
- *The Port safety Notice to Masters and the way it is effectively made available to visiting ships, and evidence of receipt obtained, was seen as a good example of how the harbour authority ensures that vessels are aware of general information and also requirements to seek permission from the harbour authority before carrying out various activities e.g. hot works, bunkering, etc.*



Conclusion

The MCA would encourage the industry to take account of the enhancements mentioned in this report and consider if any might be applicable to their organisations.

Any further enquires or comments related to this report should be directed to the following email address:

navigationsafety@mcga.gov.uk

