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Type: Port Marine Safety Code Health Check

Port: Tor Bay including Brixham, Paignton and Torquay

Purpose: External Visit


Authors:	Date	Signature
Bill Bennett Danny Hawkins	29 August 2019	

Version History	Date	Remarks
No1	29 August 2019	First Draft

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GLOSSARY

ALARP	As Low As Reasonably Practical
CHA	Competent Harbour Authority
CPD	Continuing Professional Development
DP	Designated Person
HM	Harbourmaster
GTGP	Guide to Good Practice
KPI	Key Performance Indicator
MPX	Master/Pilot Exchange
PMSC	Port Marine Safety Code
PEC	Pilot Exemption Certificate
MAIB	Marine Accident and Investigation Branch
MSMS	Marine Safety Management System
RA	Risk Assessment
SHA	Statutory Harbour Authority
VTS	Vessel Traffic Service
LPS	Local Port Services

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1. Background

This MCA visit was scheduled following safety concerns raised in relation to Brixham Harbour.

In advance of the visit the MCA sent an aide-memoire to the Tor Bay Harbour Master and requested he provide comments within the chapters that corresponded to the PMSC and reference the relevant section of the port's Safety Management System. The aide memoire was returned with relevant sections completed in addition to an organogram of the port management structure.

2. Introduction


The Maritime & Coastguard Agency (MCA) conducted a PMSC "Health Check" of Bixham Harbour on 22/23 August 2019 at the Brixham Harbour Office. The ports of Paignton and Torquay are also the responsibility of Tor Bay Harbour Master with deputies at each facility completing the immediate management structure. The deputy HM position at Brixham was vacant at the time of the visit adding to the workload of the remaining management organisation-. The MCA team comprised Bill Bennett and Danny Hawkins.

3. Scope

The purpose of a "Health Check" visit is to assess whether the port is, on the day in 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.

The scope of this health check covered the following elements:

1, Port details	Y
2. Designated Person	Y
3. Duty Holders	Y
4. Duties and Powers	Y
5. Consultation and Information Dissemination	Y

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6. Risk Assessment	Y
7. Safety Management System	Y
8. Powers and Enforcement	Y
9. Pilotage and Passage Plans	Y
10. Tugs, Workboats and Marine Services	N/A
11. Conservancy Obligations	Y
12. Directions	Y
13. Training	Y
14. Vessel Traffic Services	N/A
15. Published Documents	Y
16. Final check	Y

4. Overview

Tor Bay Harbour includes all of the area contained within a line half a mile seaward of a line from Sharkam Point to a position approximately 2.5 miles north of Hope's Nose. Within this large area are the harbour facilities at Brixham, Paignton and Torquay. Brixham is the most significant of the three as a major fishing port in the South West of England with busy ferry services to Dartmouth and to the other ports of Tor Bay. In addition all three provide facilities for inshore fishing and code vessels. Tor Bay is also a destination for visiting cruise liners which anchor in the bay and land their passengers by tender at Torquay.

Torquay and Brixham have large marinas which are independently managed by MDL and are separately PMSC compliant. They are not included in this HC although because of their close proximity the associated marine traffic is considered.

Torbay Council are the established CHA under the terms of the Tor Bay Harbour Act 1970. The Tor Bay Harbour Bye-Laws were constituted under sections 45 and 48.

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Visit

The Bixham Harbour Office was visited on the 22 August by the MCA team. The Tor Bay Harbour Master and Deputy Harbour Master (Paignton) were in attendance. Although a representative of the Duty Holder was invited, unfortunately, no-one was available on the day of the visit.

The Health Check mainly focussed on the Brixham facility the harbours at Paignton and Torquay were considered as they are included in the MSMS. The MCA Team visited the harbours of Paignton and Torquay as conclusion to the HC.

The Duty Holder of Tor Bay is the Harbour Committee of Torbay Council comprising 9 Councillors and 5 Marine Advisors..

Torbay Council made a declaration of compliance with the PMSC to the MCA in Nov 2018.

Tor Bay Harbour attendees during the Health Check were as follows:-

Adam Parnell – Harbour Master
Simon Pinder– Deputy Harbour Master (Paignton)


This report summarises observations made during the visit and is not construed as a statement of compliance to all or part of the code.

Enhancements

A number of enhancements that would improve implementation of the code were identified.

Duty Holder

The Council is newly formed following recent local elections with changes to the make-up of the Harbour Committee. In the absence of the ability to attend an external training event the Harbour Master has delivered a professional PMSC presentation on the role of the Duty Holder to the Harbour Committee. However in

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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. (GTGP section 2.3.22 and PMSC executive summary paragraph 8).

Designated Person (DP)


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. (GTGP 2.3.27).

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. (PMSC 2.24).

The current DP responsibility is invested in Devon Audit Partnership. The Devon Audit Partnership was formed as a high quality, public sector service to provide internal audit and assurance to manage risk and meet challenges of the collective of Plymouth, Torbay, Devon, Torridge and Mid-Devon councils.

An organisation must publicly report on the PMSC performance annually (GTGP 2.2.4). There was review in May 2019 which identified a number of serious issues including the fact that the PMSC was not specifically addressed on the Duty Holder's Agenda. A number of serious concerns were included in the report which, although, require immediate action they are not related to the requirements of the PMSC, e.g. the safety of forklift truck operations. (The latter was witnessed by the MCA team who shared the concerns of the DP). However this issue may be better dealt with outside of the PMSC review where a focus of marine/waterborne safety is required.

Although an expert auditor the DP does not have a marine background as suggested by the GTGP 2.3.27. A harbour master/ deputy at another port, perhaps under reciprocal arrangements, could provide responsibility as the DP or provide the appropriate support to the existing DP.

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Risk Assessment

Brixham Harbour has a significant number of domestic passenger ship operations including regular ferry services and coastal expedition boats. The services to Paignton, Torquay, River Exe and Dartmouth amount to a total of circa 4000 passenger journeys per day. During their visit the MCA team observed up to 4 passenger vessels manoeuvring, at one time, in the vicinity of the single landing pontoon. Brixham has a home fleet of beam trawlers adding a substantial number of ship vessel movements within the port. Torquay has a similar passenger schedule with an observed blind approach to the harbour. Both facilities are home to large marinas with uncontrolled leisure boat movements. This presents a significant risk which is currently not separately identified on the risk register. A risk assessment may point to a need to introduce appropriate directions to the MSMS.


The MSMS does not contain any weather criteria for operation. Each facility is conflicted by weather conditions differently depending mostly on the wind direction. It may be worthwhile considering introducing weather related operating protocols particularly in relation to the domestic passenger vessels. The assessment of visibility would be an important risk factor.

There were a number of waterborne activities by external contractors observed by the visiting MCA team associated with vessel maintenance and harbour infrastructure. These involved personnel working on exposed and unprotected platforms. There was no use of safety lines, lifejackets or other PPE in evidence posing a significant risk to those involved. Method statements should be supplied and approved for these operations or if submitted a level of oversight maintained by the Harbour until the operation is completed. The introduction of a Permit to Work system may be of use in these circumstances.

GTGP 4.2 and 8.11.4

Powers of Direction and MSMS

As a CHA Tor Bay Harbour has powers of direction and offers a pilotage service. Currently compulsory pilotage only applies to vessels over 80m in length entering the outer harbour area and to vessels over 24m accessing the enclosed harbours. In general the former requirement is exclusive to visiting cruise liners which anchor off Torquay to disembark passengers by ship's tender. The latter is seldom exercised. The pilotage service is delegated to Marine & Towing Services. There

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are no identified PEC holders. Pilotage services are decided by annual risk assessment. The issue of PECs may be a mitigating response to any risk identified when domestic passenger vessel movements are considered.

GTGP 9.5

There is no requirement for any vessel to communicate their movements to the port. This results in vessels relying solely on the International Prevention of Collision at Sea Regulations. Brixham VHF is manned 24/7 by certificated security personnel which could provide the facility to exercise appropriate powers of direction as required to control navigation within the enclosed harbours.

GTGP 8.8.1


In addition to the domestic passenger ships there are a considerable number of commercially operated angling and sight-seeing boats based in all three harbour facilities. These include 'heritage' vessels. It is important that these vessels' operations meet MCA legislative requirements. There is no system of checks found in relation to the legality of these operations.

GTGP section 5

Professional Qualifications and Competencies

The Harbour Master has the Lloyds Diploma in Port Operations however none of the deputies, although experienced in their current roles, have formal qualifications. Nor is there a programme of Continuous Professional Development in evidence. The UKHMA Certificate could be viewed as an option

GTGP 12.2.1

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Accident Reporting and Investigation

There have been a significant number of accidents, some resulting in fatalities, in Tor Bay in recent years. These are been generally associated with activities on the recreational beaches largely outside reasonable control of the Harbour Authority and addressed by other sections of the Council management. However one seaborne accident when 2 'heritage' vessels collided has not been addressed following investigation. A fatal accident involving a pleasure craft in 2015 was investigated by MAIB. There were no direct recommendations for the Harbour Authority outside of general advice presented by the RYA.

GTGP 13

Comment

Please be aware that our 'health check' was a sampling process and a snapshot of the port as it was found at the time of our visit.

The visiting MCA team are grateful for the co-operation, openness and hospitality shown to them during the 'health check' process.

Harbour Authority Comment.

[To be approved by the Harbour Committee] Tor Bay Harbour Authority wishes to record its thanks to Mr Bennett and Mr Hawkins for undertaking a thorough and comprehensive health check of Tor Bay's Safety Management System and for their observations contained within this report and helpful advice and support shown on the day.

The Authority accepts without reservation all of the observations contained herein and has developed an 'action plan' (see enclosure 1) to ensure that these are all addressed, and undertakes to inform the MCA once these have been put into place.

Enclosure: Tor Bay Harbour PMSC Health Check Report Improvement Plan