



# Nicholsons

Risk Management

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The Harbour Master,  
Torquay Harbour Office,  
Beacon quay,  
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TQ1 2BE

23 November 2006

Dear Kevin,

## **Port Marine Safety Code Compliance Audit**

Enclosed is the formal audit report.

While carrying out the audit the following issues were examined and noted.

### 1. Is the policy statement clear and up to date?

The overarching aim of Tor Bay Harbour Authority remains to facilitate the safe and efficient exercise of public rights to use the harbour.

A new policy statement has been adopted in the PMSC compliance document. It covers the activities of Tor Bay Harbour Authority of providing pilotage, anchorages, harbours, moorings and slipways for fishing and other commercial shipping, for pleasure craft and the certificated passenger boats and pleasure trip boats.

It covers environmental issues such as fuel supply and oil spills.

### 2. Is there an organisation fit to manage the safety of these activities?

The organisation and the staffing are well established.

Security / Dockmaster staff have been recruited at Brixham.

Management information is on the computer system and shared with Torquay, Paington and Brixham.

Training records and plans are kept on spreadsheets.

3. What accidents and incidents have there been?

There were no fatal accidents in the harbour this year.

A claim has been received from Mr A Pfeiffer, who fell off the quay on to a dinghy at Torquay. Council lawyers are rejecting the claim.

The MCA have asked for a report on a complaint from a Brixham passenger boat that it was obstructed by sailing boats racing past the harbour entrance.

4. Are there any new concerns that have been raised?

- Small oil spills when fishing boats refuelling at Brixham.
- The danger of fast motorboats.

The general concerns remain

- Commercial work alongside pleasure boating and tourists.
- Oil pollution
- The infrastructure of Brixham's Fish Market.

5. Are any additional risk assessments needed?

A completely new set of risk assessments has been drawn up and signed off by the Harbour Master in May 2006.

6. What changes in standards expected or in legislation?

The Review of Municipal Ports.

New Fire Regulations came into force in October 2006. Torbay will appoint its Safety Officers as the competent persons responsible for fire safety. Fresh fire risk assessments will also be drawn up.

Accident reporting is becoming more important. Standard reporting procedures are needed.

7. Review the implementation and record of implementation of each risk control

Where weaknesses were identified last year the following have been dealt with

- Notices have been improved:  
Better weather forecasts on notice boards.  
Website links to weather reports and forecasts.  
The hyperlink from the Paington page to Launch & Recovery corrected.
- Some additional Risk Assessments were needed.  
Paington Fuel supply  
Slipways at Paington, Oxen Cove and at Breakwater Hard
- Improved data protection at Brixham.  
Explained to staff the law on who can look at the videos and under what circumstances.
- Decision on what would happen should neither pilot be available - there would then be no pilotage.

8. Remove ineffective or introduce new controls?

A fresh list of controls was drawn up from the new risk assessments.

9. Are the “customers” requirements being satisfied?

The TBHA take the necessary actions after consultation in the quarterly consultation meetings.

When asked in a recent survey “Do you believe that Marine Services are properly managing safety in the harbour” 82% said, “Yes.”

10. Where actions were identified last year to bring the risks to ALARP, what has been completed?

- Survey Brixham Quay for Subsidence
- Install Pontoon by Paington slipway
- Appoint Safety Officers within Marine Services
- Commission a slimmed down PMSC compliance documentation
- Recording accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence. Recording that the HM has conducted this review and that the necessary actions have been taken.

11. Policy of continuous improvement.

The following planned actions are carried forward,

1. Structural Improvements
  - Redevelop the Brixham fish Market site.
  - Examine how the Breakwater Hard slipway could be made safer.
2. Issues arising from review of PMSC compliance documentation
  - Have it better understood by the staff.
  - Determine the extent that event organisers’ risk assessments need to be reviewed by TBHA.
  - Consider adopting a Code of Events in Tor Bay Harbour and asking Sailing Clubs to conform to them.
  - Fresh fire risk assessments.
3. Improve the records providing the Harbour Committee with evidence of continuing due diligence
  - Implement a calendar of safety checks
  - Maintain records of checks of the safety of Harbour Authority machinery.
4. Review Procedure TBHA/P/001, Pilotage and Navigation Procedure, and bring it into line with what now actually happens. E-mail now used for notification of “pilotage act”
5. E-mailing of Notices to Mariners

6. Display warnings of slipway dangers.
7. Establish a written procedure for completing and reviewing the accident, incident and near miss report. Table at the bi-monthly Harbour Masters meetings, so that lessons learnt at one harbour are shared with the other two.
8. Check that Yacht and Sailing Clubs acknowledge their responsibilities and have assessed risk. Then inform sailors, fishermen and passenger craft of the need to navigate safely together.
9. Complete the fencing of the harbour edge at Paignton.
10. Install a bigger pontoon at the bottom of the Paignton slipway.

The following planned further actions have been identified,

11. Ensure that the diesel tanks at Brixham are surveyed and carry out the actions described in the report of Taylor Fuel Control, 6th October 2006. The report highlights issues of concern and makes recommendations that require urgent action.
12. Maintain and repair fenders and ladders at Brixham Harbour.
13. Manage the construction vehicles involved with the building of the new Fish Market, so quays and roads remain safe for pedestrians.
14. Disaster Plans: - Practice erecting oil boom across mouth of Paignton Harbour.
15. Good safety management goes hand in hand with good management of the harbour.  
Adopt the advice in the Review of Municipal Ports by the Department of Transport for accountable, expert and more responsive form of governance,
  - Learn from the Whitstable experience of reporting to a small committee.
  - Continue to address requirements raised by stakeholders.
  - Produce a TBHA business plan.
  - Maintain “assured accounts” ring fenced from other activities of the Council.

Many thanks for your help in completing this annual task. I do hope you feel that your harbour has already gained some practical benefits from this exercise.

Yours sincerely,

Peter Nicholson