

Nicholsons

Risk Management

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Capt K P Mowat
Executive Head of Harbour and Marine Services
– Tor Bay Harbour Master,
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TQ1 2BG

27 November 2008

Dear Kevin,

Port Marine Safety Code (PMSC) Compliance Audit

Enclosed is the formal audit report.

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

1. Any changes in Tor Bay Harbour activities?

Fishing, shipping and leisure activities all continued as before. There has been a trial undertaken by a fast ferry, run between Torquay and Brixham. The issues were in finding suitable quays or pontoons for embarking and disembarking passengers rather than in navigating safely.

2. What changes in standards expected or in legislation?

The MAIB, following the investigation into the Flying Phantom accident, has repeated its recommendations to UK ports that they learn lessons from accidents at other ports. At Tor Bay the Harbour Master has always circulated to his deputies and assistants the MAIB quarterly Safety Digest and special accident reports. Following experiences reported from another marina, the danger of pod-berthed PWCs collecting static electricity is being investigated.

A paper has been drafted by a Steering Committee expounding on the Port Marine Safety Code section 2.2 and how to conduct risk assessments and safety management. The Safety Management System of Tor Bay Harbour Committee already complies with the issues set out in this new draft that are relevant to Tor Bay Harbour.

Government still propose to give statutory authority to the requirement that non-professional mariners, with certain exceptions, should be bound by the same alcohol limits and alcohol testing regime that now apply to professional mariners. This will be welcomed by the Marine Accident Investigation Branch and by Tor Bay Harbour.

3. What accidents and incidents have there been?

A 14 year old boy diver was lost 1 mile north of Berry Head.

A local passenger craft navigated unsafely through a 'Topper' dinghy fleet in central Tor Bay and there was a near miss when racing powerboats were intercepted by a motor cruiser. Also, some yachts have broken away from their moorings at Brixham, but there were no major navigational accidents or incidents.

The Harbour Authority did not have to initiate any prosecutions. Two formal warnings were given to those in charge of boats that had been speeding.

There is a national issue over the safe management of boats used to transport and to recover divers. There was a complaint that drift divers were dispersed over an area of 800 metres, where speedboats were active.

The one pollution incident was when a local passenger boat blew the exhaust and there was a 2m x 2m plume of oil.

The records include accounts of how 7 casualties had to visit hospital. The record of accidents, incidents and near misses over the past 12 months also gives details of 125 minor occurrences, many of them incidents of anti-social or abusive behaviour ashore.

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

The general concerns remain: -

- Commercial activity on working quays, alongside pleasure boat passengers, tourists and pedestrians.
- The old infrastructure of Brixham's Fish Market, now being rebuilt.
- The danger of fast motorboats close to the shoreline.
- Divers resurfacing from drift dives in areas of potential traffic.
- Oil pollution.

5. Are any additional risk assessments needed?

A risk assessment is to be drafted pending the return of a fast ferry service in Tor Bay.

The Town Dock in Torquay now has a separate risk assessment. This includes an examination of potential risks from refuelling, showing that it was likely that there would be spills of a litre or less, but unlikely to be a spill of 25 litres - the maximum that is easily carried.

The risks of the slipway area at Paignton have been reviewed.

The risk assessments drawn up at Brixham for staff operations ashore are to be converted into Standard Operating Procedures, used as the basis of instruction and will be tracked in the training matrix spreadsheet.

6. Is the policy statement clear and up to date?

The policy statement is included in full in the PMSC compliance document adopted by Tor Bay Harbour Authority (TBHA) and given to senior managers.

It covers the activities of the Harbour Authority, including the provision of pilotage services, anchorages, enclosed harbours, moorings and slipways, for fishing vessels, commercial shipping, recreational/leisure craft and certificated passenger boats/coded vessels. It also covers environmental issues such as fuel supply and oil spills.

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

Harbour and Marine Services is now a new stand-alone business unit within Torbay Council, no longer part of Torbay Development Agency. The Tor Bay Harbour Committee is fit for purpose and has remained unaffected by these changes.

The title for the harbour authority's lead officer is Executive Head of Harbour and Marine Services, Tor Bay Harbour Master.

The title of the resident post holder at Paignton has changed from Harbour Superintendent to Harbour Master.

The harbour service has had resources reduced with an administrative officer away on long term sick leave.

In other respects the organisation is as before.

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

Sample tests showed the risk controls being implemented.

9. Remove ineffective or introduce new controls

The regular reviews at the bi-monthly Harbour Masters Meetings are improving risk controls.

10. Are the "customers" requirements being satisfied?

The Harbour Authority continues to hold quarterly consultation meetings (Harbour Liaison Forums) and it undertakes an annual users' survey. The 2008 survey confirmed earlier years' responses and even showed an increase to 97% satisfaction that the harbour authority was properly managing safety.

The RNLI carried out an exercise to review the public's response to the new signage initiative, and this was found to be most favourable.

11. Where actions were identified last year to bring the risks to As Low as Reasonably Practical [ALARP], what has been completed?

1. The records were improved, providing the Harbour Committee with evidence of continuing due diligence,
 - Records maintained of checks of the safety of Harbour Authority machinery.
 - Training record matrix.
 - Procedure and form for recording accidents and incidents.

2. Implement the reviewed Procedure TBHA/P/001, Pilotage and Navigation Procedure, having taken into account the requirements of CERS.
3. The renewal of fencing completed round the harbour edge at Paignton.
4. Fire risks in the stores and workshops at Torquay reduced by separating flammables from sources of ignition and by setting up a procedure for obtaining a hot work permit before any welding or burning equipment is used.
5. Signage much improved at Torquay, Paignton and Brixham Breakwater slipways. There is also a Safe Slipway Guide.

12. Policy of continuous improvement,

The following actions have commenced and are ongoing: -

1. Structural Improvement.
 - Redevelop the Brixham fish market site.
 - Manage the construction vehicles involved with work on this site so quays and roads remain safe for pedestrians.
2. Management Systems: Produce a Harbour Authority business plan, as suggested by the Review of Municipal Ports.
3. See that each copy of the Safety Management System that has been issued under the PMSC contains the diagrams illustrating the System and its detailed Planning.
4. Review with the pilots and seek further improvements to Procedure TBHA/P/001, such as a method for TBHA to give positive approval for each vessel's request to enter the harbour.
5. A calendar of risk reviews has been planned, so that each risk assessment will be reviewed at least once a year at the bi-monthly Harbour Master's management meetings.
6. Continue building a database for emailing Local Notices to Mariners.
7. Accident and incident reporting: review how meaningful annual statistics and summaries might be produced. It could be revealing simply to have available an analysis showing the number for each year of fatalities, casualties taken to hospital, navigational incidents, fires and the number of accounts of abuse or antisocial behaviour afloat or ashore.
8. Build on the initial discussions and hold annual meetings with passenger craft operators and sailing club race officers, to remind them of the need to navigate safely together.
9. Expand the role of the safety consultant appointed as the 'Designated Person' and commission interim as well as year end reviews.

The following actions are planned,

10. The Slipway at Paignton.

The conflict of pedestrians (including children) and commercial vehicles (which include articulated lorries and forklift trucks) trying to share the same area produces a high risk.

- Hold meetings with the main commercial users to: -
 - Agree the extent of risk
 - Improve risk controls
- Find a long term solution.

Either

- 1) Reduce motor vehicles, and even exclude commercial delivery traffic at certain times, by redeveloping the site and designing in safety.

or

- 2) Reduce pedestrian activity, by closing the slipway and the quayside car park exit and path to Fairy Cove.

11. Town Dock

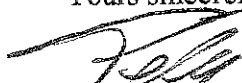
- Install two ladders on the long visitors pontoon, where now there are none.
- Paint the tops of the ladders distinctively for easy recognition – signal red, as the safety pods that contain the life rings and fire extinguishers.
- Replace the throwing lines missing from two of the safety pods with life rings.
- Review how an alarm might be raised at the end of the pontoons, in the event of accident, injury, fire or someone falling in the water.
- No first aid kits, but consider advising how to find a first aider – signage.

12. Workshops

- Supplement Risk Assessment No 41, Workshops, with a file of standard procedures for TBHA staff facing the specific risks of various tasks – such as HYAB and forklift operation, oxyacetylene cutting, painting on the docks and even escorting visitors - and include these in the records of training and of equipment maintenance.
- The resulting training records to be expanded to include the dates when either external training or internal instruction was given and backed up by a file of the training instruction or syllabus, where appropriate. Use this to help establish the need for specific training for each member of staff that is included in the budgeted programme of training for the year.
- Adopt a safety calendar, so there is a topic a month to be the subject of staff meetings or toolbox talks.
- Establish safe working times for hammer drills – Makita HR5001 C and the smaller HR 202 – for hand / arm vibration risks.
- Dispose of the two batteries that came off ‘Oscar 4’

Many thanks to you and your friendly staff for helping me complete this annual task.

Yours sincerely,



Peter Nicholson