



Nicholsons

Risk Management

Fairfield House, Bosham Lane
Bosham, Chichester
West Sussex, PO18 8HG

Telephone & Fax 01243-572115
Mobile 07802 441760
Peter@peternicholson.com

Capt K P Mowat
Executive Head of Harbour and Marine Services
– Tor Bay Harbour Master,
Torquay Harbour Office,
Beacon Quay,
Torquay,
Devon.
TQ1 2BG

20 November 2009

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?

Due to issues relating to the world recession there has been an increase in the level of shipping anchoring in Tor Bay. Low charter rates and speculation on world oil prices has led to a number of laden tankers being anchored off Tor Bay in Lyme Bay. The takeover of the fish processing plant at Paignton by Blue Seafood has led to increased HGV traffic across the access to the public slipway. Fishing, and leisure activities all continued much as before.

2. What changes in standards expected or in legislation?

The Port Marine Safety Code has been reviewed by the Department for Transport and a new version published. The Port Marine Safety Code Compliance Document for Tor Bay Harbour has been reviewed and revised accordingly. There are few significant changes, just more emphasis on transparency, investigations, benchmarking and publication of policies and reviews. The new Marine and Coastal Access Bill may have an impact on the Bay in years to come. In the short term parts of Tor Bay Harbour have been included in a proposed Special Area of Conservation (SAC), this will probably be implemented in August 2010, and will help to protect the sea caves and the reefs. The Government is still proposing to introduce alcohol limits for non-professional mariners.

Legislation is being proposed to extend the definition of a "ship" to include all types of watercraft in the provisions applying to safety, conduct endangering ships, structures or individuals and drugs and alcohol offences.

3. What accidents and incidents have there been?

1. A man was found dead in Brixham Harbour. The Coroner recorded an open verdict with the cause of death being drowning and acute alcohol intoxication.
2. A single handed yacht ran into the Brixham breakwater and the skipper admitted to being under the influence of alcohol.
3. A youth acting irresponsibly at Brixham and putting his crew and others in danger has been banned from the harbour estate.
4. At Paignton a lady having stepped up on to the harbour wall tripped and fell back into the car park and badly injured herself.
5. The crewmember of a personal watercraft (jet ski), towing an inflatable ring, had his right hand severed when the tow line came suddenly under load.
6. A member of the harbour staff lacerated his hand when helping a colleague use a masonry drill.

Each of the above incidents was reviewed and in no case was the Harbour Authority found to be at fault and no measures were considered necessary to prevent a repetition of these accidents.

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

There is recognition of the need to have anglers avoid congested areas of the harbour yet be made welcome on open areas of Tor Bay's shoreline. No angling is permitted within the enclosed harbours without the Harbour Master's permission.

Personal watercraft are also welcome in the Bay, but action needs to continue to educate and to control irresponsible and unseamanlike behaviour. PWCs have to be insured and licensed, at which point they are given guidance notes.

Other general concerns remain: -

- Commercial activity on working quays, alongside pleasure boat passengers, tourists and pedestrians.
- The older pieces of harbour infrastructure such as Brixham's Fishmarket, Haldon Pier, Princess Pier, and Torquay's Fish Quay: some of these assets are now being rebuilt or restored, but further work is required.

5. Are any additional risk assessments needed?

A risk assessment is to be drafted for those working in the water when maintaining inshore moorings in shallow water. i.e. the Inner Harbours.

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.

Some points are to be amplified as suggested in the refreshed Port Marine Safety Code.

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

There is now just one pilot working Tor Bay Harbour.

Responsibility for administration has been delegated to the Harbour Masters.

At Torquay harbour it has now been made clear that the Deputy Harbour Master manages the full time quayside staff and the Assistant Harbour Master manages the seasonal staff, including the patrol boat crew.

In other respects the organisation is as before.

Torbay Council has adopted a "Commissioning" model and the "Harbour Authority" function is expected to be commissioned by the Council within for next year, and in the long term this will ensure continued efficient management of Tor Bay Harbour.

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

Over the past 12 months the controls in each risk assessment have been systematically reviewed and amended where necessary at the bi-monthly Harbour Masters Meetings.

A procedure is being drafted to ensure safe working practice when staff are working in the water maintaining moorings in the Inner Harbours.

9. Remove ineffective or introduce new controls

Each risk assessment was formally, reviewed, amended where necessary, approved and signed off by the Executive Head of Harbour and Marine Services, Tor Bay Harbour Master on 23rd November 2009.

10. Are the "customers'" requirements being satisfied?

The Harbour Authority continues to hold quarterly consultation meetings (Harbour Liaison Forums), has held a meeting with passenger boat (ferry) operators and a representative from the sailing clubs and it undertakes an annual users' survey. The 2009 survey found that over 95% of the respondents believed that harbour safety is properly managed by Harbour and Marine Services.

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

1. Management Systems: Produce a Harbour Authority business plan, as suggested by the Review of Municipal Ports.
2. 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.
3. 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.
4. A calendar of risk reviews has been established, so that each risk assessment is reviewed at least once a year at the bi-monthly Harbour Master's management meetings.
5. Build a database for emailing Local Notices to Mariners.
6. Accident and incident reporting has been improved with standardised categories of accident so that meaningful annual statistics and summaries can be produced and used as performance indicators.
7. Hold annual meetings with passenger craft operators and sailing club race officers, to remind them of the need to navigate safely together.
8. Expand the role of the safety consultant appointed as the 'Designated Person' and commission interim as well as year end reviews.
9. Town Dock
 - Install 10 more recovery ladders
 - 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.

10. Workshops

- Use the safety calendar, so that a topic of the month is 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'

12. Policy of continuous improvement.

The following actions have commenced and are ongoing: -

1. Structural Improvement.
 - Redevelop the Brixham Fishmarket site.
 - Reface the seaward side of Haldon Pier.
Further work may be Government funded on the basis that this structure is now being considered a flood defence.
2. Continue to manage the construction vehicles involved with the work on the site at Brixham so that quays and roads remain safe for pedestrians.
3. 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 remains a high risk.

- Use the decriminalised parking regulations to reduce the dangers caused by traffic congestion.
- Find a long term solution, which may involve redevelopment of the whole area.

The following further actions are planned,

4. Find a second authorised Tor Bay Harbour pilot, to be on call when the one current pilot might be unavailable.
5. Consider use of "Blackberry" technology for receiving and approving requests for pilotage out of harbour office hours.
6. Draw up a file of Standard/Safe Operating Procedures from the syllabus and course notes of training courses.
Where appropriate adopt the procedures already written for Council staff.
These procedures will supplement Risk Assessment No 41, Workshops.
7. Training records to be brought up to date and then expanded to include the dates when either external training or internal instruction was given. Use this to help establish the need for specific training programme for each member of staff.
8. To improve the management and "ownership" of risk assessments each one will be allocated to an individual manager.
9. Fire drills/practices to be held not only for shore side activities but for fires on boats within the harbours.
10. Town Dock
 - Install alarms at the emergency stations on the pontoons, for use in the event of accident, injury, fire or someone falling in the water.
 - Post a notice advising how to find a first aider.

11. Mooring Maintenance

Formalise the procedure to ensure safe working practice when staff are in the water maintaining moorings in the Inner Harbour.

12. Informing Harbour users of Risks

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 and publish information for harbour users.

Commission a system for displaying actual weather on the World Wide Web, with links from Council, Tor Bay Harbour and marina web sites.

See <http://www.chimet.co.uk/tech.htm>

13. Fire Practice

In each of the three harbours hold a fire drill/practice with the scenario that a vessel is on fire.

Many thanks to you and your staff. You have all been most helpful in enabling me complete this review.

Yours sincerely,



Peter Nicholson