



Briefing Report No: **261/2009**

Public Agenda Item: **Yes**

Title: **Port Marine Safety Code - Annual Compliance Audit**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee**

On: **7 December 2009**

Contact Officer: **Kevin Mowat**

☎ Telephone: **292429 (Ext 2724)**

✉ E.mail: [Kevin.Mowat@torbay.gov.uk](mailto:Kevin.Mowat@torbay.gov.uk)

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## **1. Key points and Summary**

- 1.1 This report provides Members with details of the annual Port Marine Safety Code compliance audit undertaken for the Council, as the Harbour Authority, by Nicholsons Risk Management Ltd.
- 1.2 The Harbour Committee, on behalf of the Council, is the 'Duty Holder' under the Port Marine Safety Code (PMSC) and Nicholsons Risk Management Ltd are the appointed 'Designated Person'.
- 1.3 The Committee is asked to note the PMSC Compliance Statement for 2009, attached as Appendix 1.
- 1.4 The Committee is asked to note the contents of the PMSC Compliance Audit Report for 2009, including the actions identified for implementation during 2010, attached as Appendix 2.
- 1.5 A table of Accident/Incident Statistics for 2009, as recommended in the PMSC Audit Report 2008, is attached as Appendix 3.
- 1.6 The Committee is asked to note the contents of the revised Tor Bay Harbour Committee Safety Management System, as attached as Appendix 4.

## **2. Introduction**

- 2.1 Torbay Council, under their responsibilities as a Harbour Authority, have implemented the requirements of the Port Marine Safety Code as issued by the DETR in March 2000. The code is designed as a standard, to be achieved by Harbour Authorities in carrying out their duties and powers and to promote best practice.

- 2.2 The Port Marine Safety Code serves as a framework for the preparation of policies and plans relevant to the issues of concern in the code. In essence the code requires Harbour Authorities to ensure they maintain corporate governance over the activities entailed in the powers and duties they discharge.
- 2.3 The Code states that ***“it is fundamental to an effective safety management system that each harbour authority should assign the functions of a ‘designated person’ to provide independent assurance to the ‘duty holder’ that the safety management system is working effectively and to audit the authority’s compliance with the Code”.***
- 2.4 Nicholsons Risk Management Ltd has been appointed the Designated Person to review the Tor Bay Harbour Safety Management System and annually report on compliance with the Port Marine Safety Code.
- 2.5 The last Port Marine Safety Code Compliance Audit Report was dated 27<sup>th</sup> November 2008 and was presented to the Harbour Committee on 8<sup>th</sup> December 2008.

**Capt. Kevin Mowat**  
**Executive Head of Harbour and Marine Services**  
**Tor Bay Harbour Master**

## **Appendices**

Appendix 1 - Port Marine Safety Code Compliance Statement for 2009  
Appendix 2 - Port Marine Safety Code Compliance Audit Report for 2009  
Appendix 3 – Table of Accident/Incident Statistics 2009  
Appendix 4 – Tor Bay Harbour Committee Safety Management System – Issue 8

## **Documents available in members’ rooms**

### **Background Papers:**

The following documents/files were used to compile this report:

The Port Marine Safety Code – DETR 2000  
Port Marine Safety Code – October 2009 (see link below)  
<http://www.dft.gov.uk/pgr/shippingports/ports/pmsc.pdf>