

**TOR BAY HARBOUR COMMITTEE
SAFETY MANAGEMENT SYSTEM**

in compliance with

The Port Marine Safety Code

TORQUAY • PAIGNTON • BRIXHAM

Delivering harbour services for Torbay Council



TOR BAY HARBOUR

THE TOR BAY HARBOUR COMMITTEE (TBHC) :-

- **Councillor Robert Horne (Chairman)**
- **Councillor Jeanette Richards (Vice Chairman)**
- **Councillor Peter Addis**
- **Councillor Jenny Faulkner**
- **Councillor Neil Bent**
- **Councillor Christine Carter**
- **Councillor Vic Ellery**
- **Councillor Terry Manning**

ADVISORS :-

- **Mr Chris Bedford**
- **Mr William Butcher**
- **Mr Robert Curtis**
- **Mr Gordon Jennings**
- **Ms Elaine Hayes**

OFFICERS :-

- **Capt. Kevin Mowat - Executive Head of Harbour and Marine Services and Harbour Master**
- **Capt. Paul Labistour - Harbour Master**

DESIGNATED PERSON :-

- **Peter Nicholson - Nicholsons Risk Management Ltd**

SAFETY MANAGEMENT SYSTEM

OVERVIEW	PAGE	
Diagram of Safety Management System	3	
Diagram of Planning and Procedures	4	
Tor Bay Harbour Committee (TBHC) have, after consultation with harbour users, drafted risk assessments and adopted a Safety Management System comprising the following 6 elements:-		
1) Policy	Adopting a health and safety policy which contributes to business performance while meeting responsibilities to people and the environment in a way which fulfils both the spirit and the letter of the law.	5
2) Organisation	Establishing a positive organisation and culture which puts the policies into effective practice	8
	Organisation Chart, "Family Tree"	9
	Training	10
3) Planning	Assessing risk and then adopting a planned and systematic approach to policy implementation. Risk assessments will be the key to judge what safety plans are needed	11
	3.1 Risk Assessments	12
	3.2 Risk Control Procedures	14
	3.2.1 Emergency plans	15
	3.2.2 Conservancy	16
	3.2.3 Environment	17
	3.2.4 Management of Navigation	18
	3.2.5 Pilotage	20
	3.2.6 Marine Services	21
4) Measuring	Measuring health and safety performance against predetermined standards.	23
5) Reviewing	Auditing, monitoring and reviewing the performance so that lessons are learned from all the relevant experience and are effectively applied. Training and education are implicit as part of good safety management. Consultation is a continuing process through the Harbour Liaison Forums	24
6) Recording	What has been done? Safety controls and responsibilities. Maintaining a record of due diligence.	25

The Torbay Council, through the Tor Bay Harbour Committee, is responsible for policy. The Harbour Master is responsible for the organisation and the facilities. The staff implement the policy. Together these three categories form the system that puts policy into effective practice.

TOR BAY PMSC SAFETY MANAGEMENT SYSTEM

PLANNING AND PROCEDURES

1. Tor Bay Harbour Safety Policy

Health and Safety Management System;

The Torbay Council, through its Tor Bay Harbour Committee (TBHC), has adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code.

The health and safety management system includes policies for emergency plans, conservancy, environment, management of navigation, pilotage and marine services.

Tor Bay Harbour Committee will on behalf of Torbay Council provide a safe harbour within the limits of their jurisdiction, which is open to the public for recreation and the transportation of passengers and goods. It will ensure the safety of Tor Bay by exercising its statutory functions to a high standard. The TBHC will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The TBHC will ensure that an efficient pilotage service is available and that pilotage directions are maintained and reviewed regularly. The TBHC will ensure such marine services as are required for the safe use of their harbour are available and are well maintained and operated. Tor Bay Harbour Committee will ensure that up to date plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.

Existing powers shall be reviewed on a periodic basis, to avoid a failure in discharging duties or risk exceeding powers.

The Policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation.

Plans and reports will be published as a means of improving the transparency and accountability of the harbour authority, as well as providing reassurance to the harbour users. TBHC will consider past events and incidents so as to recognise potential dangers and identify the means of avoiding them.

The Aims of the Safety Management System of Tor Bay Harbour Committee;

1. To identify, quantify and manage the significant marine risks associated with the waters and harbour activities of Tor Bay. This will ensure there is proper control of ship movements by, where necessary, regulating the safe arrival, departure and movement within the harbour of all vessels.
2. To maintain, protect, improve and regulate the safe navigation of all vessels in Tor Bay.
 - To ensure that Tor Bay and its enclosed harbours remain safe areas for all harbour users to undertake their business and activities, with the risk of injury as low as reasonably practical
 - To have an effective system for promulgating navigation warnings affecting the Harbour.
 - To consider the effect of weather on harbour safety and see that the broadcast warnings are accessible.
 - To designate suitable anchorages.
 - To monitor lights and marks used for navigation.
 - To keep the need for pilotage under review and authorise suitably trained and experienced pilots to provide an efficient pilotage service.
 - To provide resources to deliver marine services, such as the provision of harbour patrol craft.

3. To ensure that suitable plans for emergency situations are maintained, regularly updated and exercised, so that TBHC will respond rapidly and effectively to emergency incidents to minimise the impact.
4. To carry out all its functions with special regard to the possible environmental impact, protecting from damage and pollution the marine environment and the landscape, heritage, amenity and tourism attractions of the Tor Bay coastline.
5. To maintain an up to date set of byelaws in consultation with harbour users and enforce them so as to regulate harbour use effectively.
6. To set up controls for personal safety.
 - To safeguard Harbour users', employees, those working in harbours, port users and the public whilst within areas under the TBHC's control.
 - To control the risk of exposure to criminal and civil liability.
 - To involve all stakeholders in management of marine safety and raise awareness of marine safety risks and prevention, control and management of risks.
 - To consider the effects on harbour safety of proposed changes in use or harbour works.
 - To operate within policies developed specifically to address marine issues in addition to the corporate policies and procedures agreed by the Council.
 - confirm the roles and responsibilities of key personnel at the harbour authority
 - outline present procedures for marine safety within the harbour and its approaches
 - measure performance against targets, after building a database recording incidents, including near misses
 - refer to emergency plans that would need to be exercised
 - be audited on an annual basis
7. To keep the duties and powers under review.

All employees have a duty to:

- Comply with all harbour safety procedures laid down by Tor Bay Harbour Committee.
- Ensure that marine operations are undertaken in a safe manner.
- To report hazard, risk, accident, incident or near miss to their Safety Officer.

Harbour users operating commercially and the general public using the Harbour for pleasure are responsible for:

- Their own health and safety and that of other harbour users and the general public who may be affected by their acts or omissions.
- Complying with byelaws, directions and other regulations aimed at ensuring the safe use of the Harbour.

Nominated Harbour Safety Officers

Mr Dave Bartlett at Brixham, Mr Nick Clearance at Torquay and Mr John Turner at Paignton are the safety officers for these areas. In their absence urgent harbour safety matters shall be referred to the Harbour Master. The Safety Officers are also the "competent persons responsible" for fire safety.

Emergencies in the Harbour

Emergencies where life is in danger must be notified at once to the emergency services by dialling 999 or through VHF channel 16. Other emergencies shall be notified to the Duty Harbour Master by the quickest available means.

Reporting of Accidents Incidents and Near Misses

The public are asked to bring matters of safety - all accidents, incidents and near misses – promptly to the attention of the Harbour Master or the Harbour Safety Officer at the nearest Harbour Office. The Harbour staff are obliged to record on the computer Marine Safety Incidents/accidents/near Misses. The reports will be used to review accidents and incidents, for assessing whether any action is necessary to reduce the risk of recurrence. It shall be recorded that the HM has conducted this review and that the necessary actions have been taken. This will be an assessment of the effectiveness of the harbour safety management system.

Adopted by Torbay Council's Harbour Committee - December, 2009

2. Tor Bay Harbour Authority (TBHA) Organisation

Torbay Council is the statutory harbour authority for Tor Bay Harbour. The Council has set up a sub-committee, Tor Bay Harbour Committee (TBHC), to advise on all matters relating to strategic management of the Council's function as harbour authority. The TBHC performs the Council's role of Duty Holder as required under the Port Marine Safety Code.

The current members of the TBHC are listed on page 1. This committee is the Duty Holder.

The Tor Bay Harbour Committee considers that current legislation gives them adequate authority to exercise their responsibilities as described in this document and in accordance with the Port Marine Safety Code. The organisation is bound by the Harbour, Docks and Piers Clauses Act 1847, The Harbours Act 1964, The Tor Bay Harbour Act 1970, the Tor Bay Harbour (Torquay Marina &c) Act 1983, the Health and Safety at Work Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992, and all the other harbour related and safety laws and regulations.

Torbay Council and the Harbour Committee set the policy and the officers and staff provide the means of implementing the Policy. Any decisions taken or policy set must take into account any issues related to harbour safety. The consideration of such issues is to be minuted.

The Executive Head of Harbour and Marine Services and Harbour Master is responsible for the day to day management of marine safety risks and for reporting to the duty holder, the TBHC. He is responsible for ensuring that the staff put the Harbour Safety Policy into practice. He is responsible for maintaining insurance policies, obtaining any required licences, publication and display of such notices and instructions as the Tor Bay Harbour Committee consider necessary.

He must also ensure that facilities are provided up to the standards set in the policy. Such facilities include the harbour infrastructure, harbour craft, pilotage and equipment to be used in the event of emergencies.

The Duty Harbour Master has the role of Emergency Planning Officer for the harbour and is the co-ordinating officer, responsible for marine incidents planning and response. He is also the officer responsible under their Oil Spill Contingency Plan for maintenance of the plan and response to incidents. Torbay Council also has an emergency planning officer who is responsible for planning and response to major incidents.

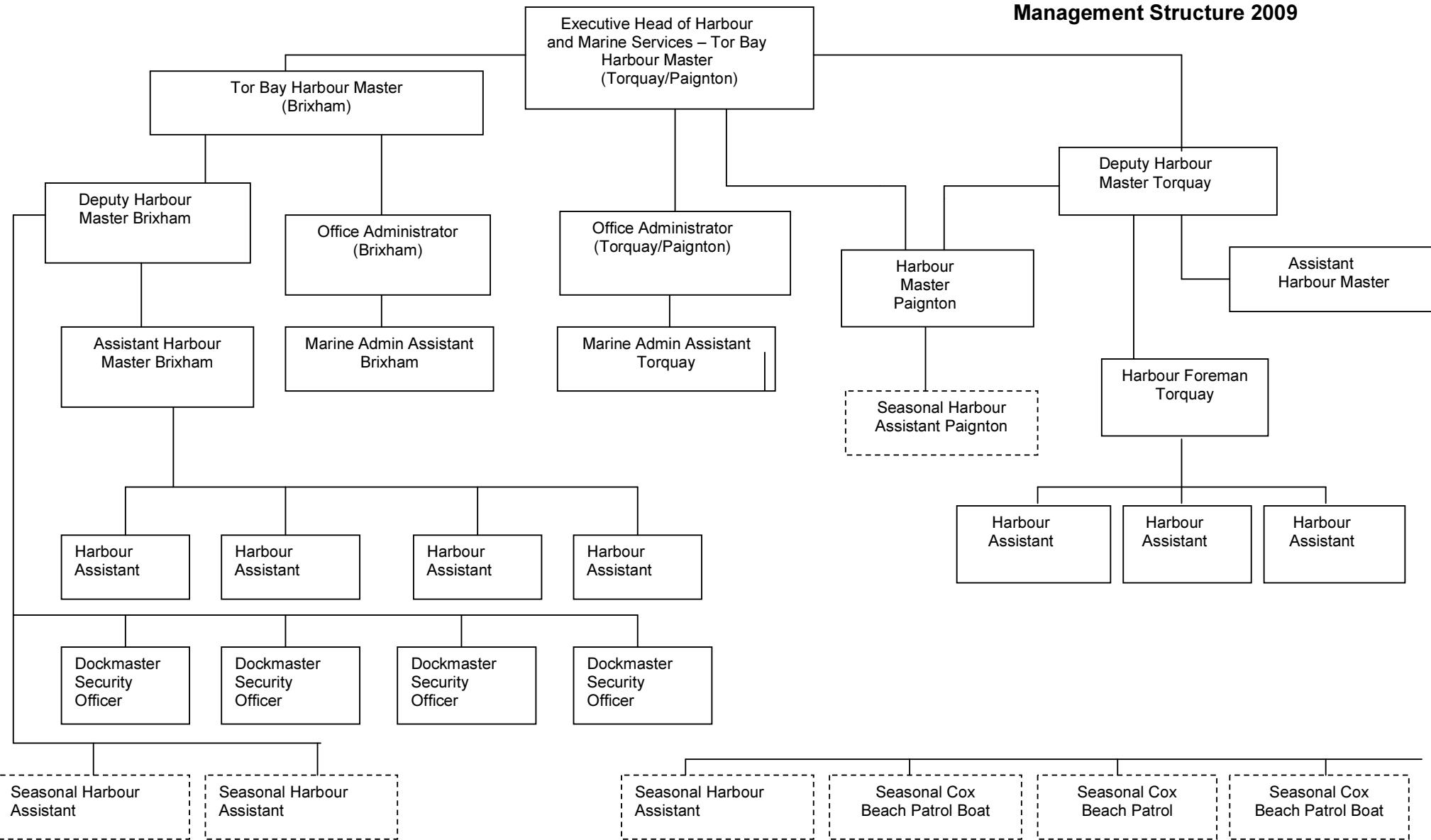
The pilots, contracted through Torbay and Brixham Shipping Agents Ltd, are responsible for safe pilotage of large vessels within the waters of Tor Bay Harbour and for reporting marine risks, incidents and near misses to the Harbour Master.

TBHC shall assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation.

The 'Designated Person' as defined in the Port Marine Safety Code is responsible for auditing the marine safety system and providing assurance to the 'Duty Holder' of the effectiveness and performance of the system. Nicholsons Risk Management Ltd has been appointed the designated person to provide this function and annual reviews and reports on Tor Bay Harbour Authority's compliance with the Port Marine Safety Code.

All other staff have job titles and descriptions. A family tree, which includes the new dockmaster / security officer posts at Brixham, is set out on the next page.

Harbour and Marine Services Management Structure 2009



Training

It is policy that officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety.

Training and education are implicit as part of good safety management.

- New staff receive induction training.
- Every year the training requirements of each member of staff will be assessed and a training programme planned.
- Training needs will be considered during job appraisal (RADAR).
- An in house training programme will be implemented to reinforce the importance of harbour safety and of maintaining best working practice.
- All staff receive emergency training and practices.

Training Plan Responsibilities

Post	Training Responsibility
Harbour Masters	Executive Head of Harbour and Marine Services
Deputy Harbour Masters	Harbour Masters
Marine Admin and Finance Officer	Executive Head of Harbour and Marine Services
Harbour Master, Paignton	Executive Head of Harbour and Marine Services
Torquay Staff	Deputy Harbour Master, Torquay
Brixham Staff	Deputy Harbour Master, Brixham
Paignton Staff (seasonal only)	Harbour Master, Paignton
Pilots	Torbay and Brixham Shipping Agents Ltd
Pilot Boat crews & technical staff	Torbay and Brixham Shipping Agents Ltd
Launch crews Technical staff	Torbay and Brixham Shipping Agents Ltd

Training Matrix

The Harbour Authority holds a Training Matrix for all staff and the respective line managers are responsible for its upkeep.

3. Tor Bay Harbour Safety Planning

Planning Policy

It is the policy of the Torbay Council to have powers, policies, plans and procedures based on a formal assessment of hazards and risks, and TBHC shall have a formal marine safety management system.

The marine safety management system shall be in place to ensure that all risks are controlled – the more severe ones must either be eliminated or kept “as low as reasonably practicable” (ALARP).

Once a year the THBC will receive from the Executive Head of Harbour and Marine Services his review of the risk assessments. The Harbour Safety Management System with the Harbour Safety Policy will also be tabled for review. The Committee will undertake a review and their findings will be recorded in the minutes.

An independent audit of the Harbour Safety Management System will be commissioned once a year from the Designated Person. The audit report will be considered by the TBHC and the outcome of this consideration will also be minuted.

The TBHC will remind the officers every year that harbour safety issues must always be taken into account in their decisions and recorded appropriately.

The Officers will annually bring to the attention of each employee the Harbour Safety Policy and specifically their roles in an emergency.

Organisation of Annual Reviews

Safety Policy	}	Tor Bay Harbour Committee
Safety Management System	}	Designated Person and the TBHC
Harbour use	}	Executive Head of Harbour and Marine Services & Harbour Master
Commercial shipping	}	
Craft operation	}	Executive Head of Harbour and Marine Services and Harbour Master
Premises / Quays	{	
Workshops	}	
Offices	}	

3.1 Tor Bay Harbour Committee Risk Assessments

Risk Assessment Policy:

It is the policy of Torbay Council that its powers, policies and procedures will be based on a formal assessment of hazards and risks and it will have a formal safety management system.

The aim of this process is to eliminate the risk or, failing that, to reduce risks to as low as reasonably practicable.

Formal risk assessments shall be used to :-

- identify hazards and analyse risks;
- assess those risks against an appropriate standard of acceptability; and where appropriate, consider a cost-benefit assessment of risk reducing measures.

Tor Bay Harbour Committee has undertaken a formal safety assessment of its harbour operations to insure that a systematic approach was taken to the identification and the management of risks.

There is a preferred hierarchy of risk control principles :-

- eliminate risks - by avoiding a hazardous procedure, or substituting a less dangerous one;
- combat risks - by taking protective measures to prevent risk;
- minimise risk - by suitable systems of working.

A set of risk assessments has been completed and formally signed off in November 2009.

These are the checks to identify new hazards, review risks and see that controls are implemented to bring the risks down to as low as reasonably practicable.

Arising out of the risk assessments and as part of the 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 shoreside activities but also 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.

3.2 Tor Bay Harbour Committee Risk Control Procedures

3.2.1 Emergency plans

3.2.2 Conservancy

3.2.3 Environment

3.2.4 Management of Navigation

3.2.5 Pilotage

3.2.6 Marine Services

3.2.1 Emergency plans

Emergency Policy:

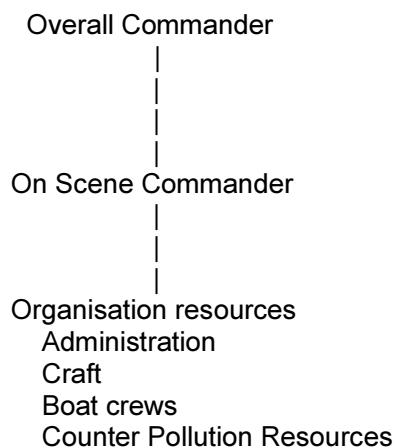
The safety management system shall include preparations for emergencies – and these should be identified as far as practicable from the formal risk assessment. Emergency plans need to be published and exercised.

Emergency Organisation and Management Responsibility

Review of Emergency and Oil Pollution Plans

Harbour Master

Emergency Organisation



Emergency Plans and Procedures

TBHA/ P / 002 Emergency Procedure

Tor Bay Harbour Emergency Plan – January 2008

The Tor Bay Oil Spill and Contingency Plan
National Contingency Plan for Marine Pollution

Planning exercises are undertaken to see that the procedures would be followed.

3.2.2 Conservancy

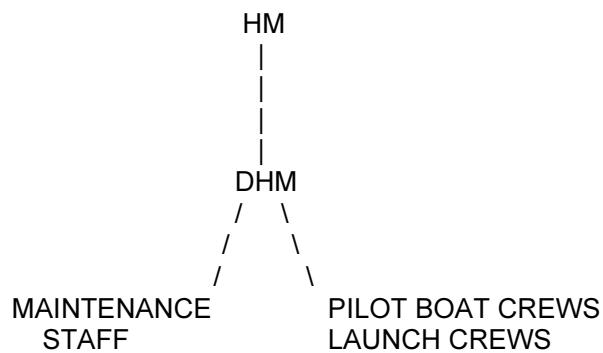
Conservancy Policy:

Torbay Council recognises it's a duty of conservancy the harbour so that it is fit for use as a harbour, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it.

The aim to provide users with adequate information about conditions in the harbour.

Torbay Council recognises the extent of its duty and powers as local lighthouse authority; and specific powers in relation to wrecks.

Conservancy Organisation and Management Responsibility



Conservancy Procedures

Hydrography

TBHC follows the code of practice for UK ports and harbours, developed by the Hydrographic Office.

Dredging

Tor Bay Harbour Committee does not maintain a maintenance dredging disposal licence. Any capital dredging that might take place is subject to statutory consent and TBHC is a priority consultee when such applications are considered.

Buoyage and Navigational Aids

Trinity House has issued standards for reliability and maintenance of navigation aids and reserves the right to undertake inspections to ensure that these are met.

PANAIR reports are submitted quarterly.

Wreck Removal

The procedure is to buoy and/or light a wreck as appropriate, issue a notice to mariners and, if necessary, use TBHC's authority to remove the wreck.

Licensing of Work

TBHC is a statutory consultee for proposed work affecting navigation or the environment within the harbour limits.

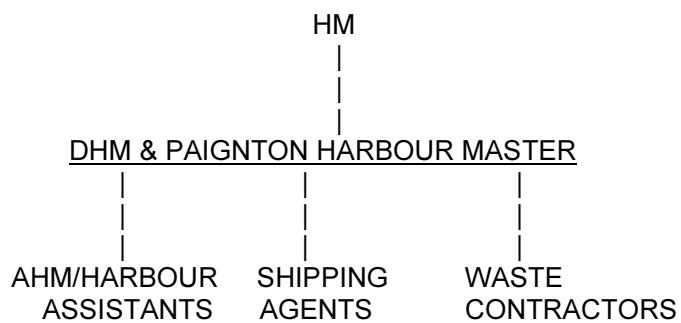
3.2.3 Environment

Environment Policy:

Torbay Council has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations.

Environment and Port Waste Management Plan

Organisation and Responsibility



Environment Policies, Plans & Procedures

Environmental Policy Statement, Tor Bay

Port Waste Management Plan - Under review

Guide to Good Practice on Port Marine Operations

English Nature's Advice
(under Regulation 33, Conservation (National Habitats Etc) Regulations 1994 – January 2000)

TBHA/ P / 008 New Harbour Developments

3.2.4 Management of Navigation

Policy for Management of Navigation:

Torbay Council, through its TBHC, has rules in byelaws and directions, which every user must obey as a condition of his or her right to use the harbour.

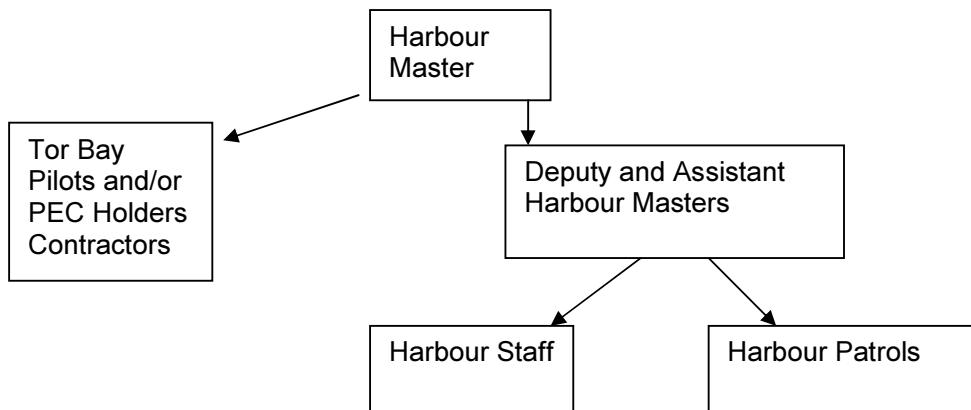
Torbay Council and its Harbour Master recognise their duty to make proper use of powers to make byelaws, and to give directions (including pilotage directions), to regulate all vessel movements in their waters.

These powers shall be exercised in support of the policies and procedures developed in this safety management system, and should be used to manage the navigation of all vessels.

TBHC has clear policies on the enforcement of directions, and should monitor compliance.

Powers of direction shall be used to require the use of port passage plans in appropriate cases – whether vessels are piloted or not.

Management of Navigation Organisation and Management Responsibility



Procedures for Management of Commercial Navigation

Passage Plans

The passage plan is prepared on a standard form by the pilot and agreed with the master of the vessel. A copy is to be filed at the offices of the shipping agents.

Monitor

24-hour VHF cover is provided by the combined efforts of the Harbour Offices and the Pilot Station.

Reporting

Reporting is mandatory, as Tor Bay Pilotage Directions.

Control

Pilotage requirements are set out in TBHA/ P / 002 Navigation and Pilotage

Access to VTMS data

It has not been considered necessary to have a Vessel Traffic Management System. AIS monitoring software has been procured for operation in 2009.

Patrols

Standard instructions are issued to staff running patrol boats.

Patrol boats enforce bye-laws and assist visitors

Bunkering

Other than at an approved harbour fuel station, the Harbour Master's approval is required before bunkering operations take place.

The Harbour Authority issues procedures for bunkering.

For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

Cargo Transfer

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transhipment, following submission of a risk assessment.

Commercial Anchorages

Anchorages are specified for large vessels.

Procedures for Leisure Management

Zones

Controlled areas with a 5 knot speed limit are provided for swimmers.

Water ski approach lanes have been established at Elberry Cove and Livermead Sands

Events

Notices to Mariners and special directions are issued for events as required.

Moorings

Moorings are allocated by TBHC.

Marinas

There are 2 marinas in Tor Bay Harbour.

It is considered that all these marinas are managed safely.

Enclosed Harbours

The Harbour Masters and the Harbour Master manage the enclosed harbours of Torquay, Brixham and Paignton.

Leisure Anchorages

Anchorages are specified for large vessels.

Controlled areas with a 5 knot speed limit are provided to safeguard swimmers.

Water ski approach lanes have been established at Elberry Cove and Livermead Sands

Procedures

TBHA/ P / 002 Navigation and Pilotage

TBHA/ P / 002 Emergency Procedure

Tor Bay Harbour Authority Emergency Plan – January 2008

3.2.5 Pilotage

Policy for Pilotage:

Torbay council, through its TBHC, is the competent harbour authority and accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review.

TBHC will therefore exercise control over the provision of the service, including the use of pilotage directions, and the recruitment, authorisation, examination, employment status, and training of pilots.

Pilotage shall be fully integrated with other harbour safety services under harbour Committee control.

Authorised pilots are accountable to their authorising authority for the use they make of their authorisations: TBHC shall have contracts with authorised pilots, regulating the conditions under which they work – including procedures for resolving disputes.

Pilotage Organisation and Management Responsibility



Procedures, Plans, Codes and Guides for Pilotage

TBHA/ P / 002 Navigation and Pilotage

Pilotage shall be compulsory for all vessels except:

- i) any ship of Her Majesty's Royal Navy or Royal Fleet Auxiliary, subject to paragraph 5.2;
- ii) foreign warships navigating in the harbour for the purpose of taking up or leaving an anchorage, subject to paragraph 5.2;
- ii) any vessel of less than 36m LOA not carrying a cargo of dangerous goods or marine pollutants;
- iii) any vessel engaged in towing where the length of such vessel aggregated with the length of the tow is less than 36m;
- iv) any fishing vessel less than 47.5m LOA;
- v) any vessel proceeding to or departing from a designated anchorage as defined in paragraph 6 provided such vessel has been forced by stress of weather to seek shelter and subject to paragraph 5.1.

Any vessel navigating within Tor Bay Harbour limits in accordance with paragraph 3.1 (i) or (ii) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.

The requirement for Tall Ships to have pilots is under review.

TBHA/ P / 002 Emergency Procedure

TBHA/G (extn)/001 – Instructions to cargo vessels and fishing vessels entering Torquay Harbour

Tor Bay Harbour Emergency Plan

3.2.6 Marine Services – Harbour Operations

Policy for Marine Services:

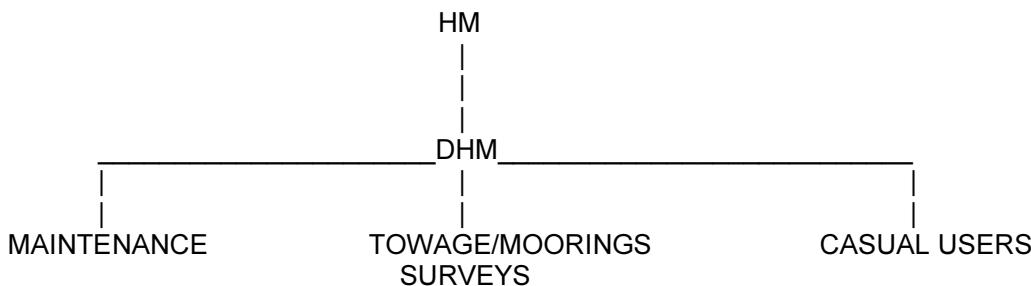
TBHC's safety management system shall cover the use of harbour craft and the provision of moorings.

The formal safety assessment shall be used to identify the need for, and potential benefits of use of harbour craft for safety management,

TBHC shall ensure that harbour vessels or craft which are used in the harbour are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform.

Byelaws and the power to give directions are available for these purposes.

Harbour Operations Organisation and Management Responsibility



Marine Services Procedures

Bunkering

Other than at an approved harbour fuel station, the Harbour Master's approval is required before bunkering operations take place.

The Harbour Authority issues procedures for bunkering.

For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

Cargo Transfer

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transhipment, following submission of a risk assessment.

Craft Regulation

For boats not subject to MCA licensing or coding conditions of operation are issued in accordance with the South West Regional Standing Committee on Safety of Small Craft.

Craft have to be surveyed, carry specific safety equipment and the boatman must be suitably qualified.

Towage

The staff operating harbour boats and pilot boats are experienced and suitably qualified to tow where and when necessary.

Work Boats

Operating Code of Practice for relevant TBHC harbour craft.

MCA and other relevant certification.

Commercial Diving

TBHC contracts commercial divers to inspect moorings and provide maintenance as needed. A diving permit is required for all commercial diving operations - the operators' registration and safety policy are checked.

Dredging

TBHC has inconsequential levels of maintenance dredging. Capital dredging is the responsibility of approved contractors.

MFA licences are required for the disposal of dredged spoil. [See also Harbour Licences for Work]

Moorings/Buoy Maintenance

Moorings/Buoys are inspected annually by divers and there is a maintenance programme.

The adequacy of buoyage is regularly reviewed.

Navigational buoy casualties are reported to Trinity House, who still undertake annual inspections / audits.

Salvage

It is left to the owner to organise salvage of small craft except where safe navigation may be affected. In such cases TBHC may use its powers to take possession of the vessel and arrange salvage. For large commercial vessels stranding or sinking within the harbour recovery measures will be supervised and approved as necessary.

The necessary consultation with the owners and public interests would be undertaken.

Procedures

- | | |
|---------------|--|
| TBHA/ P / 003 | Public Access to Working Quays |
| TBHA/ P / 004 | Boats in Dry Storage |
| TBHA/ P / 005 | Crane Operations |
| TBHA/ P / 006 | Refuelling Vessels from Quays |
| TBHA/ P / 007 | Oscar 4 Crew Training |
| TBHA/ P / 008 | New Harbour Developments
(see Guide to Good Practice on Port Marine Operations) |
| TBHA/ P / 009 | Torquay WWII Slipways - daily check of barriers and signs. |
| TBHA/ P / 010 | External Safety Audit |

4. MEASURING OF PERFORMANCE

Measuring Policy

TBHC will measure health and safety performance against predetermined standards.

Performance in complying with the TBHC safety management system will be required to meet the national standards as laid down in the Port Marine Safety Code.

Appropriate performance indicators will be set.

All accidents, incidents and near misses will be recorded and used to assist in assessment of the effectiveness of the Harbour Safety Management System.

Management of Standard Setting

Standards will be set for operations in the following areas :-

AREA	SET BY	REMARKS
Harbour Procedures & Operational Standards	Harbour Master	Guide to Good practice refers Internal Procedures
Pilot Boat Operations Harbour Launch Operations Maintenance of Infrastructure Surveys	Harbour Master	Code of Practice Internal Procedures Internal Procedures UKHO
Procedures		
Financial Procedures	Torbay Council	Subject to Internal Audit

Performance indicators are to include the following :-

Performance Reliability of Navigation Marks	Harbour Master	As Trinity House standards
Frequency of surveys	Harbour Master	As Required
Frequency of patrols/ Monitoring	Harbour Master	
Incident investigation	Harbour Master	
Meeting of Enforcement Targets	Harbour Master	None Currently Set
Response to Complaints	Torbay Council	

5. REVIEWING

Reviewing Policy

TBHC will monitor, review and audit the marine safety management system on a regular basis so that lessons are learned from all the relevant experience and such lessons are effectively applied.

Performance of the system shall be assessed against internal performance indicators and where appropriate, by benchmarking against other ports that have adopted good practice.

In light of these reports the Executive Head of Harbour and Marine Services and the TBHC will consider whether their rules or working practices require amendment and will submit recommendations to Torbay Council.

The responsibility for investigations and reports is assigned as follows:

Commercial shipping accidents and incidents }	
Serious pollution incidents }	Harbour Master / Executive Head of
Failure of procedures }	Harbour and Marine Services
Other accidents and incidents }	
Minor oil spills }	Deputy Harbour Master
Small craft incidents }	
Byelaw offences }	
Financial irregularities }	Auditors
Uninsured losses }	

Procedure for Reviews

The Executive Head of Harbour and Marine Services will include in his bimonthly meeting of Harbour Masters a review of any accidents, incidents or near misses.

Investigations by the Harbour Master of marine incidents have two essential purposes :-

- a) to determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- b) to determine if an offence has been committed: if so, there may be the need on the part of the harbour authority to initiate enforcement action that may lead to prosecution in our own right or through an agency of another authority such as the Police or the MCA.

By ensuring that a robust, rigorous, independent investigation has been carried out, the TBHC and the duty holder can be assured that their obligations for compliance have been addressed.

Any conclusions from investigations or lessons learned will be included in the minutes together with measures being taken to prevent a recurrence. If appropriate a more detailed report will be submitted to the Harbour Committee, the Council's Health and Safety Officer and/or the MAIB, to the Chief Police Inspector and any other appropriate authorities, by the quickest means available.

Where necessary the MCA may undertake a verification visit. These verification visits are usually arranged following an MAIB investigation into an incident, but could also be triggered by other indicators of non-compliance.

Further reviews are undertaken in the meetings of the Harbour Liaison Forums.

Report 261/2009 Appendix 4

Once every three years, the MCA will ask the “duty holder” to confirm in writing if their harbour authority is complying with the Code.

6. RECORDING

Recording Policy

TBHC will maintain records of what has been done

- Safety controls and responsibilities
- Maintaining a record of due diligence

Publication of Plans and Reports

To demonstrate the authority's commitment to maritime safety and ensure the involvement of harbour users, the safety plan for marine operations shall be published every year at a TBHC meeting open to the press and the public. The plan shall illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of shipping. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

The duty holder will also publish an assessment of the harbour authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, shall be used to support the analysis and conclusions.