

Meeting: Harbour Committee

Date: 21 December 2020

Wards Affected: All

Report Title: Port Marine Safety Code Compliance

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Cabinet Member Contact Details: Not a Cabinet function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Purpose

- 1.1 This report updates Members on the annual Port Marine Safety Code (PMSC) compliance audit undertaken for the Council, as the Harbour Authority, by the Devon Audit Partnership.
- 1.2 The Harbour Committee, on behalf of the Council, is the *Duty Holder* and the Devon Audit Partnership are the appointed *Designated Person*.
- 1.3 In its latest compliance audit, the Designated Person found that the Harbour Authority remained compliant with the PMSC.

2. Proposed Decision

- 2.1 That the Harbour Committee:
 - a. Note the PMSC compliance report; and
 - b. Note that our compliance will be reported to the Maritime and Coastguard Agency in time for their next triennial review of ports' compliance with the Code. This is expected to be in March 2021.
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Supporting Information

3. Position

- 3.1 Torbay Council, the Statutory Harbour Authority for Tor Bay, has implemented the requirements of the PMSC which offers a national standard for port safety in the UK with the aim to "improve safety for those who use or work in ports, their ships, passengers and cargoes, and the environment".
- 3.2 The PMSC is not mandatory and does not create any new legal duties. Failure to comply is not an offence, however, the Code represents good practice as

recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties.

- 3.3 All the officers involved in marine safety have been instructed to familiarise themselves with the updated PMSC and review any implications for marine operations in Tor Bay Harbour. It is strongly recommended that members of the Harbour Committee, acting as the 'duty holder', should also become familiar with the updated Code by reference to this report and by following the link identified in the Additional Information section below.

4. Consultation

- 4.1 The Brixham Harbour Liaison Forum and the Torquay/Paignton Harbour Liaison Forum will be consulted during their December meetings.

5. Risks

- 5.1 Without a regular compliance audit programme there is a risk that emergent issues are not identified or addressed and the Harbour diverges from the high standards expected by the MCA.

Appendices

Appendix 1 - Port Marine Safety Code - Compliance Audit Report - December 2020

Additional Information

Additional information on this topic can be found at:

The Port Marine Safety Code – November 2016 (DfT & MCA)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/564723/port-marine-safety-code.pdf

A Guide to Good Practice on Port Marine Operations – April 2018 (DfT & MCA)

<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>