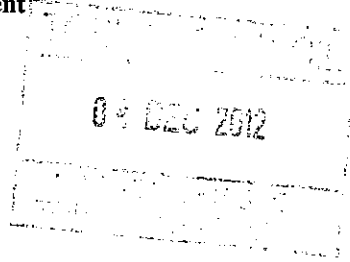




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Capt K P Mowat
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30 November 2012

Dear Kevin,

It was very useful to have a review with both you and the Chairman, Vic Ellery, and I found the dummy investigation of our Safety Management System based on the revised MCA Aide-Memoire quite reassuring. I hope you both did too.

We did find that the exercise showed that there were one or two improvements that could be made to our documentation. I have already sent you Safety Management System, Issue 11, updated with tracked changes. I now attach a certificate of compliance.

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

There is a clear and up to date policy statement included in full in the PMSC compliance document adopted by the Tor Bay Harbour Committee (TBHC) published and given to senior managers.

The policy is signed off by the Chairman and displayed in the harbour offices.

The organisation to put the policy into practice is largely unchanged. There have been no changes in your staff, other than the seasonals. At Brixham some Dockmasters are being hired as employees, to replace the contracted staff.

There are no changes in safety law or regulation to effect the harbour.

The review did not reveal many changes in the activities in the harbour. The new fish market at Brixham is flourishing. The use of the slipway at Paignton is continuing to decline. Generally, though, the mix of fishing, commercial, ferry and leisure activities in Tor Bay Harbour has remained much as before.

The MarNIS software is being introduced to produce a new set of risk assessments. Any additional controls this exercise identifies as being needed will be added to the current list. Each control is "owned" by a member of staff who is responsible to see that it is checked on a regular basis and

remains effective. The risk assessments and risk controls are reviewed regularly at the bi-monthly Harbour Masters meetings.

Practical control and the maintenance of high standards depend on having clear and comprehensive operating procedures and staff being trained to work to them. This is an ongoing process and all the procedures are currently under review.

The Harbour Authority's formal consultation process to see that the "customers" requirements are being satisfied mainly revolves round the quarterly meetings of the two Harbour Liaison Forums, with a wide ranging agenda.

The Harbour maintains clear accident and incident records. There were three deaths reported in the harbour, one of a diver and two that were shoreside and drink related. None involved a port marine safety incident. The one significant incident that might be described as navigational was the sinking of the 'Marie Claire' an old beam trawler that was being towed away to be scrapped. This was also one of two minor environmental incidents; with a spillage of engine oil. The other occurred from a small boat in Paignton harbour. There were no fires.

To progress the Local Sustainable Transport Fund bid, a proposal for a new ferry service has been put out to tender. Safe and efficient passenger landings will need to be established at Brixham and at Torquay.

In the current economic climate it is unlikely that a developer could be found to provide a long term solution to the various risks associated with the slipway at Paignton, where there remains the conflict of pedestrians (including children) and commercial vehicles (which include articulated lorries and forklift trucks) trying to share the same area.

Where actions were identified last year the following have now been completed

1. A policy has been developed for edge protection around the harbours based on the trial work undertaken at Paignton. This involves erecting fences and/or painting yellow and white lines and suitable notices such as "Mind The Edge".
2. Training records are kept up to date and are being expanded to include the dates when either external training or internal instruction was given. More effective use is being made of the Training Matrix to help establish the need for a specific training programme for each member of staff.
3. Control times when vehicles can use the Passenger Pier at Brixham.
4. Complete the Brixham Harbour office move with the siting of fire extinguishers and the posting of fire notices. Tor Bay Harbour Authority Safety Policy and the insurance certificate for employer's liability are now displayed.
5. Fencing completed at Paignton.
6. Accident/incident record or investigation are kept under review until it is formally closed off on the database and any lessons learnt are promulgated.
7. Fire risk assessments have been drawn up for all harbour estate premises to set out the risks, the controls in force, whether the risks are as low as reasonably practical and if not what further measures needed to be taken.
8. The Safety Management System is now published on the website in compliance with the Port Marine Safety Code.

Some actions identified more than a year ago still require further action.

1. Make the Brixham LPG canister store safe or remove the canisters – not yet completed.
2. Install the twin bar barriers, paint clear lines and improve signage at the Brixham Passenger Pier to keep passengers away from the quay edge where fishermen may be loading or unloading – not yet completed.
3. Improve the safety of Brixham Yacht Club's dinghy slipway with the unprotected edge at the bottom; establish liability and possible improvement measures, including the display of a danger warning notice similar in many ways to the one posted at the nearby Oxen Cove slipway – not yet concluded.
4. Draw up a comprehensive set of harbour specific Standard/Safe Operating Procedures. These would consolidate the existing 19 procedures, 3 codes of practice and 3 SMS guidelines with examples of procedures adopted in other harbours – amended into a revised action.
5. Training records are to be expanded to include in house training of the procedures relevant to each employee's work – amended into a revised action.

Policy of continuous improvement.

The following actions have commenced and are ongoing: -

1. Structural improvement plans are in hand for :-
 - Haldon Pier
 - Brixham Breakwater
 - North Arm Breakwater at Brixham

2. Promotion of safe seamanship,

There is a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails, the website, in person by harbour staff and through sea schools Regularly review how IT developments can improve communications with customers. Consider using Facebook and Twitter.

Continue to seek ways of informing and educating harbour users on safety issues, such as wearing lifejackets (automatic ones being the lifejacket of choice), life jacket maintenance, don't drink and drown and the dangers of being unaware of or ignoring weather forecasts.

The following further actions are planned,

1. Obtain from the pilotage contractors answers to questions in Section 9 of the Aide Memoire for investigating MCA officers.
2. Set a programme for hydrographic surveys, in line with the Code of Practice of the Hydrographic Office.
3. In respect of the new ferry berth at Torquay harbour, seek another location that is not in close proximity to the slipway for launching used by sailors who are amateur and of all ages and ability.

4. Provide a report summarising accidents and incidents for each of the quarterly Harbour Committee Meetings, and giving full description of any incident required to be reported to the MCA or to the HSE.
5. Review and improve the induction process for harbour staff.
6. Consider preparing an Annual Report to promote the identity of Tor Bay Harbour Authority.

Many thanks to you and your staff for your help in undertaking this review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Nicholson', written in a cursive style.

Peter Nicholson