



Meeting: Harbour Committee


Date: 21st December 2015

Wards Affected: All wards in Torbay

Report Title: Port Marine Safety Code - Annual Compliance Audit

Executive Lead Contact Details: Non-Executive Function

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1. Purpose

- 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 the Devon Audit Partnership.
- 1.2 The Harbour Committee, on behalf of the Council, is the 'Duty Holder' under the Port Marine Safety Code (PMSC) and the Devon Audit Partnership are the appointed 'Designated Person'.
- 1.3 Over recent years the appointed 'Designated Person' has been Nicholsons Risk Management Ltd but a service level agreement has now been signed with the Devon Audit Partnership who undertake similar audit work for the Harbour Authority.
- 1.4 The Committee is asked to note the contents of the PMSC Compliance Audit Report for 2015, including the actions identified for implementation during 2015/16, attached as Appendix 1.
- 1.5 A table of Accident/Incident Statistics for 2015, since the last PMSC Audit, is attached as Appendix 2.
- 1.6 The Committee is asked to note the contents of the revised Tor Bay Harbour Committee Safety Management System, as attached as Appendix 3.

2. Summary

- 2.1 Torbay Council, under their responsibilities as a Harbour Authority, has implemented the requirements of the Port Marine Safety Code (PMSC). The Code 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". Creation of the Code was prompted by a review of the Pilotage Act 1987 undertaken in 1998 by the Department for Environment, Transport and the Regions in the aftermath of the 1996 Sea Empress disaster. All Harbour Authorities are expected to comply with the Code. As the Code is not statutory, failure to comply is not an offence in itself, but the Code does set out references to legal duties that do exist and not adhering to it may be indicative of a breach of those duties. The Code is subject to a triennial review process by a steering group of maritime organisations. It was reissued in 2003, 2006, 2009 and 2012. The latest publication of the Code was by the Department for Transport in March 2015.
- 2.2 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.
- 2.3 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.

Supporting Information

3. Position

- 3.1 The Code states that "Each harbour authority must appoint an individual as the designated person to provide independent assurance directly to the duty holder that the marine safety management system, for which the duty holder is responsible, is working effectively. Their main responsibility is to determine, through assessment and audit, the effectiveness of the marine safety management system in ensuring compliance with the Code".
- 3.2 The Devon Audit Partnership 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.
- 3.3 The last Port Marine Safety Code Compliance Audit Report was dated 20th November 2014 and was presented to the Harbour Committee on 15th December 2014.

Appendices

Appendix 1 - Port Marine Safety Code - Compliance Audit Report for 2015

Appendix 2 – Table of Accident/Incident Statistics 2015

Appendix 3 – Tor Bay Harbour Committee Safety Management System – Issue 14

Additional Information

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

The Port Marine Safety Code – March 2015 (DfT)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415007/Port_marine_Safety_Code.pdf

A Guide to Good Practice on Port Marine Operations – March 2015 (DfT)

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