



# Internal Audit Report

## Port Marine Safety Code

Torbay Council

*November 2018*

Official



Support, Assurance & Innovation

## **Devon Audit Partnership**

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Devon Audit Partnership has been formed under a joint committee arrangement comprising of Plymouth, Torbay, Devon, Torridge and Mid-Devon councils and we aim to be recognised as a high quality public sector service provider.

We work with our partners by providing professional internal audit and assurance services that will assist them in meeting their challenges, managing their risks and achieving their goals. In carrying out our work we are required to comply with the Public Sector Internal Audit Standards (PSIAS) along with other best practice and professional standards.

The Partnership is committed to providing high quality, professional customer services to all; if you have any comments or suggestions on our service, processes or standards, the Head of Partnership would be pleased to receive them at [robert.hutchins@devonaudit.gov.uk](mailto:robert.hutchins@devonaudit.gov.uk).

## **Confidentiality and Disclosure Clause**

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This report is protectively marked in accordance with the National Protective Marking Scheme. Its contents are confidential and, whilst it is accepted that issues raised may well need to be discussed with other officers within the organisation, the report itself should only be copied/circulated/disclosed to anyone outside of the organisation in line with the organisation's disclosure policies.

This report is prepared for the organisation's use. We can take no responsibility to any third party for any reliance they might place upon it.

## **1 Introduction**

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The 'Port Marine Safety Code (PMSC)' establishes a national standard for every aspect of port marine safety and aims to enhance safety for those who use or work in ports, their ships, passengers and the environment. The code applies to all harbour authorities in the UK that have statutory powers and duties.

The Devon Audit Partnership is the appointed 'Designated Person' for the Tor Bay Harbour Authority for 2018/19.

## **2 Audit Opinion**

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In our opinion, due to the lack of progress made against previous recommendations and agreed actions, and the identification of significant safety risks, we are at present unable to provide assurance that the Tor Bay Harbour Authority is compliant with the requirements of the Port Marine Safety Code.

## **3 Executive Summary**

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We have examined a restricted sample of records relating to the Tor Bay Harbour Authority and its compliance with the requirements of the Port Marine Safety Code and obtained such explanations and carried out such tests as we consider necessary.

To the best of our knowledge and belief, and having carried out appropriate checks, in our opinion the Tor Bay Harbour Authority is not currently compliant with the Port Marine Safety Code. Little progress has been made against the previous year's recommendations and as such have been re-reported. We have also identified some significant safety risks which Tor Bay Harbour Authority must address for us to re-evaluate our compliance opinion.

We have noted areas where action is required (refer to Appendix A).

The detailed findings and recommendations regarding these issues and less important matters are described in the Appendices. Recommendations have been categorised to aid prioritisation. Definitions of the priority categories and the assurance opinion ratings are also given in the Appendices to this report.

## **4 Added Value**

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Compliance against the requirements of the Port Marine Safety code.

## **5 Assurance Opinion on Specific Sections**

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The following table summarises our assurance opinions on each of the risks covered during the audit. These combine to provide the overall assurance opinion at Section 2. Definitions of the assurance opinion ratings can be found in the Appendices.

<b>Risks Covered</b>		<b>Level of Assurance</b>
1	Breach of Port Marine Safety Code	Improvements Required

The findings and recommendations in relation to each of these areas are discussed in the "Detailed Audit Observations and Action Plan" appendix. This appendix records the action plan agreed by management to enhance the internal control framework and mitigate identified risks where agreed.

## **6 Issues for the Annual Governance Statement**

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The evidence obtained in internal audit reviews can identify issues in respect of risk management, systems and controls that may be relevant to the Annual Governance Statement.

Following our review, we would suggest that the lack of current compliance against the requirements of the Port Marine Safety code would warrant inclusion within the Annual Governance Statement.

## **7 Scope and Objectives**

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Devon Audit Partnership undertook a review and assessment of the Tor Bay Harbour Authority against the requirements as specified in the Department for Transport's Port Marine Safety Code, and the associated Port Marine Safety Code Guide to Good Practice.

## **8 Inherent Limitations**

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The opinions and recommendations contained within this report are based on our examination of restricted samples of transactions / records and our discussions with officers responsible for the processes reviewed.

## **9 Acknowledgements**

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We would like to express our thanks and appreciation to all those who provided support and assistance during the course of this audit.

**Robert Hutchins**  
**Head of Partnership**

## Appendix A

## Detailed Audit Observations and Action Plan

1. Risk Covered: Breach of Port Marine Safety Code	Level of Assurance
<p><b>Opinion Statement:</b></p> <p>In our opinion due to the relatively limited action against previous recommendations, and the significant risks in terms of Harbour safety, we are not yet in a position to provide assurance that the Tor Bay Harbour Authority is compliant with the requirements of the Port Marine Safety Code. We would propose a three-month grace period within which the high and medium risk recommendations must be addressed, following which we would re-evaluate our opinion and assurance. There are a number of key areas of concern we would direct your attention to, these being, staff awareness of the Port Marine Safety Code, where one member of staff had no knowledge; unsafe use of fork lift trucks putting harbour users at significant risk and breaching Harbour Byelaws; the continued slip way hazard and the associated risk this poses, although it's recognised that there is dependency on contractors to resolve; Haldon Pier weight restrictions with no signage or risk assessment undertaken; no designated Safety Officer; and a lack of a trained risk assessor at each site.</p> <p>The Harbour Committee act as the 'Duty Holder' for the purposes of the Port Marine Safety Code and appoint the 'Designated Person' to undertake the PMSC audit. We found that Duty Holders were aware of their responsibilities. All committee members and advisors are responsible for compliance with the Code, which is set out in their terms of reference and published on the Tor Bay Harbour website. The Committee membership terms would benefit from a more proactive approach to review and reappointment. As previously recommended, our opinion remains that a formal structure to evidence regular performance review would be of benefit through implementation of a standing agenda item in committee meetings.</p> <p>Executive and operational responsibilities for marine safety are clearly assigned, with commitment to the PMSC being set out in the 'Safety Management System' which is presented to the Tor Bay Harbour Committee annually along with the outcome of the PMSC compliance audit which is undertaken around November each year. It is a requirement for Harbours to confirm to the MCA they are compliant with the PMSC every 3 years, the letter can be posted or sent via e-mail, the letter attached to the Harbour website is from April 2015, no evidence was received to confirm that this had been provided in 2018. We also identified opportunity for improvement in relation to the consistency of quarterly accident and incident statistics reporting.</p> <p>The Harbour Authority have the powers to make special and general directions. Special and general rules of navigation have been subject to consultation and publication. The Harbour Authority have established and published bye-laws. The legal duties and powers statement is included in the Harbour Authority's plan regarding their legal duties and powers. Communication with Harbour users is in place and considered to be effective, employing various methods such as physically displaying tide times and hydrographic charts in</p>	<p><b>Improvements Required</b></p>

Harbour Offices, plus the use of internet and social media. In addition, the Harbour Assist system maintains a mailing listing and a customer portal is being developed. Warnings to harbour users are issued, however as previously noted, the harbour user may not sign the form to confirm that the warning has been received by them, as in some cases, these are posted to the user. We accept that physical signature may not be possible in all cases.

Each year we confirm that the aids to navigation have been audited and that any deficiencies have been appropriately actioned. However, although we understand that the annual audit by Trinity House has been undertaken, the Harbour Authority are currently awaiting formal issue of the report / certificate to evidence the check.

MarNIS remains the port risk assessment system, holding risk assessments, accidents/incidents and training. Based on data input to the system, it uses an internal algorithm to identify Accidents/incidents that require reporting to the MAIB. Reporting is then a manual process. MarNIS holds a number of the Harbour Authority's risk assessments, with other risk assessments held external to MarNIS. Risk assessments should be subject to an annual review. However, as previously identified and as reported, there remain a number of risks that are overdue for review. Training requirements require review with a programme of initial and refresher training being maintained. The training records held were also found to require updating.

A Harbour Emergency Plan is in place linked to a Business Continuity Plan. There are potential areas for improvement, particularly in relation to ensuring a regular multi-agency exercise is undertaken.

The Port Masterplan has been established and is designed to assist regional and local planning bodies and transport network providers in preparing / revising their own strategic developments, and we understand that this is currently being reviewed, again we would suggest that the review incorporates consideration of and linkage to the Port Marine Safety Code.

No.	Observation and implications		
1.1	<p>The Harbour Committee's Terms of Reference (ToR) confirms that they act as Duty holder for Port Marine Safety Code, the ToR states that they will be reviewed annually, however the ToR on the Harbours webpage was dated 2015 and a review of the Harbour Committee meeting notes could find no evidence that they have been reviewed for the current year. The terms of reference were updated in 2016 but we are unable to locate an updated published version.</p> <p>Whilst committee membership terms are reviewed, we did identify one instance where membership of the initial 4 year term of the external advisor had ended in December 2016, however this was not brought to committee for discussion and potential renewal of term until March 2017.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.1.1	In line with the ToR it should be reviewed annually and presented to the Committee for approval. The Harbour Master should consider whether there is a need for an annual review.	Low	Agreed – under guidance from democratic services this will be done after the next elections in May 19 – AP June 19
1.1.2	We would consider it best practice to ensure that committee membership terms are reviewed, discussed and where necessary re-approved prior to the current terms expiring.	Low	Agreed – as with 1.1.1 following advice from democratic services will be actioned following elections in May. AP – June 19

No.	Observation and implications		
1.2	We have previously reported that although there is clear commitment to the code and performance is reported, the PMSC is not currently a standing item on the agenda for the Harbour Committee meetings, it was agreed that this would be combined with the accident and incident statistics agenda however this recommendation remains outstanding.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.2.1	As previously agreed the PMSC should be combined with the Accident and Incident statistics going forward, as a standing agenda item for the Harbour Committee meetings	Low	Actioned – this has been included in the next Harbour Committee in Dec 18. Evidence provided at draft report stage. – AP
No.	Observation and implications		
1.3	A PMSC folder has been established in the Harbours shared drive, this contains various sub folders on risk assessments, SOP's, Safety Management etc however there is no folder or reference to Legislation. There are numerous pieces of Legislation linked to the PMSC along with various Local Acts, compliance with the PMSC states that legislation should be available to staff and kept current. This is especially relevant given that some of the Local Acts are specific to the Harbours for example the Tor Bay Harbour (Oxen Cove and Coastal Footpath Brixham) 1988 Act. Discussion held with Staff found that most had a good knowledge of the PMSC and where associated documents were held, however, when questioned, one member of staff in Brixham stated he did not know what PMSC was or what it was about. We also noted that Harbour Committee members also received training in 2018, and Harbour Estate and Harbour Committee training in 2015. It was also noted that the Dock masters at Brixham Harbour have their own office, however there is no working PC in the office that would give them access to the shared drive and the PMSC folders.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.3.1	Whilst we acknowledge that most legislation could be found on the internet, it would be appropriate for these to be obtained and held in a folder under PMSC and staff made aware of the location and contents.	Low	Agreed – A legislation Register is to be established and this will held in the PMSC folder along with relevant legislation documents – March 19 AP
1.3.2	To ensure that all Staff and Committee Members are aware of the requirements of the PMSC, associated legislation and their individual responsibilities, a training / briefing session should be provided to all Harbour staff and Committee Members as initial and refresher training as required, and access to information readily provided.	High	A training session was recently sponsored by the BPA for duty holders in relation to PMSC, whilst the Committee members were invited none took up the invitation to attend. Will also create a training package and roll out training to members and staff – SP March 2019
No.	Observation and implications		
1.4	A Port Marine Master Plan was established in 2013, it was recommended that the plan be reviewed every 5 years, this has yet to be done however we understand that this is currently being undertaken. This has been reviewed in full in the Harbour Strategic Management audit with any issues reported there. A safety policy is in place which was adopted by the Harbour Committee in 2014. The policy provides details and the aims of the H&S management system, the duties of employees and users of the Harbours and names the designated Harbour Safety Officers, the policy is available on the Harbours website however it has not been reviewed since it was adopted.		

	Recommendation	Priority	Management response and action plan including responsible officer
1.4.1	The Safety Policy should be reviewed to ensure it remains current and fit for purpose.	Medium	Not agreed –this has now been superseded by the recently updated Marine Safety Management System document which covers all aspects of Safety specifically for Harbours, additionally departments are required to comply with the Corporate Safety Policies – evidence provided by AP. IA would further recommend that the MSMS document title be amended to show it is also policy and a comment to be added to confirm this document supersedes the previous safety policy and have advised AP accordingly.
No.	Observation and implications		
1.5	The Safety Management Document states that accident and incident statistics will be reported to the Harbour Committee quarterly however it was found that in the June meeting no statistics were provided, it is noted that this was a one off as they have been provided previously and at the September meeting.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.5.1	As per the Safety Management document the accident and incident statistics should be provided on a quarterly basis to the Harbour Committee.	Low	Agreed – will be presented at the next meeting in Dec AP
No.	Observation and implications		
1.6	<p>The works on Princess Pier have now been completed however a small section is still fenced off whilst they work on the steels below.</p> <p>There remain structural issues with Haldon Pier. We understand that H&amp;S have advised that there is a weight limit for the pier, however there is no warning signage in relation to this. We further understand that although fishing vessels land and unload at Haldon, the vehicles/trucks do not go out there. However, as there is no signage to instruct trucks to this effect, there is a risk that this could occur out of hours when the Harbour is not staffed.</p> <p>We previously reported that the decking along Beacon Quay was in a bad state of repair however this has now been replaced.</p> <p>As previously reported, the end of the slipway had fallen away. There is currently a warning notice on the wall of the slipway. This has been raised with the engineers and continues to be evaluated by the contractors but has yet to be rectified.</p> <p>Brixham continues to be a thriving Harbour, inside the Harbour gates during the mornings there are a large number of cars / trucks / vans and people, added to which there are stacks of equipment and significant fork lift truck movement. It is understood that to alleviate some of the congestion it has been agreed that cars with permits will be allowed to park in Oxen Cove, however they still pose a risk of accident or injury due to the volume of activity within the port.</p>		

	<p>It was noted by the auditor that the fork lift operated by BTA was travelling at speed both in and outside the harbour gates, and on one occasion the operative was reversing round cars / trucks whilst on his mobile phone, this is against the H&amp;S executive guidance for the use of fork lifts and also breaches the Harbour Bylaws 70 and 71.</p> <p>Various works are starting at Brixham, this being works to the breakwater and the new Jetty at Oxen Cove.</p> <p>A new system is being implemented for the recording of all assets, this will be done via PSS, each Harbour has an ipad to record assets and where applicable take photos; there will also be a short cut to the system on desk tops. This system will be used to both undertake inspections and record any issues; Paignton has already started listing their assets using this system.</p> <p>As previously reported, to minimise fall risks there remains a need to update the existing 'Edge Protection Policy' and associated 'Edge Audit Record'. It was previously agreed that the policy would be reviewed to ensure it is sufficient and all relevant legislation is current, and that the audit would also be updated, however this has not yet occurred.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.6.1	<p>We acknowledge that the slipway is a known hazard which harbour staff are monitoring and pursuing but are reliant on external contractors in terms of a resolution, this should continue to be pursued.</p> <p>Given the ongoing issues it would be prudent to undertake a full risk assessment of this issue</p>	Medium	<p>Agreed – A temporary fix has been agreed whereby a metal plate will be put in place, and works should begin by Dec 18, will continue to be monitored and a permanent fix sought from the supplier – in addition a complete full risk assessment will be completed and report with long and short term recommendations/actions produced – NB Jan 2019</p>
1.6.2	<p>A speed limit should be introduced for fork lifts in and around the harbour, additionally BTA should be reminded of the proper use of fork lifts as set out by the H&amp;S Executive. Safe Driving and Vehicle Speeds are set out within the Harbour Byelaws (byelaws 70 and 71 respectively).</p> <p>Linked to this, a risk assessment should be undertaken for the use of fork lifts and a SOP should be drawn up.</p>	High	<p>Agreed – there is already a 5 mile an hour speed limit in place, AP has discussed with BTA and raised concerns, will be monitored for compliance.</p> <p>Signage will be put in all forklift cabs. A risk assessment and SOP will be produced for forklifts, and annual sign off of SOP by all forklift users will be required – DB March 2019</p>
1.6.3	<p>Linked to the works to be undertaken at Brixham, both projects should have a risk assessment to determine what / if any impact this will have on the public and to mitigate any risks identified.</p>	Medium	<p>The contractors for the Breakwater have undertaken their own Risk Assessment which includes the impact on the public and it is deemed this is sufficient; the same will apply for the other projects.</p>
1.6.4	<p>Paignton have drawn up a traffic management plan linked to a recent visit for H&amp;S. We therefore recommend that Brixham and Torquay should also do this and all sites should have a risk assessment linked specifically to the traffic around the harbour especially where pedestrians have access.</p>	Medium	<p>Agreed – work has already been started in relation to a plan for Torquay, plans to be completed by end of March 19 – SP</p>

1.6.5	Due to the structural issues and weight restrictions in relation to Haldon Pier, we recommend that a risk assessment is undertaken as a matter of urgency.	High	The Pier has undergone another survey and a weight limit of 20 tons has been imposed, signage has been ordered to this effect, going forward a fork lift will be used to unload fish and taken to the lorries harbour side.  Risk assessment to be undertaken to include the use of fork lifts. A report with long and short term recommendations and actions will be produced – SP March 19
1.6.6	As previously recommended and agreed, the 'Edge Protection Policy' and associated 'Edge Audit Record' should be reviewed and updated.	Medium	Edge Protection Policy has been updated and will be presented to the committee in Dec 18  Edge Audit will be conducted at all three ports – SP Feb 2019
No.	Observation and implications		
1.7	Whilst the Prosecution Policy was found to have been reviewed and updated this has not been put to the Harbour Committee since 2016 for review / approval.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.7.1	The Prosecution Policy should be presented to the Harbour Committee for them to review and approve.	Low	Agreed – to be added to March 19 meeting AP
No.	Observation and implications		
1.8	Although there is no there is nothing laid down in legislation to specify how often PACE training needs to be repeated, it is good practice to regularly assess competency and ensure that staff are up to date with developments in the rules surrounding evidence management and legal procedures. PACE itself has been subject to some updates in 2018.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.8.1	As good practice, we would recommend that the competencies of staff that are PACE trained are assessed periodically, or as and when PACE requirements change, to ensure staff remain up to date with developments in the rules surrounding evidence management and legal procedures.	Low	Agreed – this will link to the legislation register, legislation has not changed but will continue to be monitored and updated / actioned as necessary – AP April 19

No.	Observation and implications		
1.9	Harbours have a business continuity plan and an emergency plan in place. Exercises have previously undertaken; however, it has been confirmed that no exercises have been undertaken in the current year other than a security drill undertaken recently.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.9.1	Harbours should look at undertaking a multi-agency exercise in the coming year. This will ensure effective co-ordination between those organisations where their duties for health and safety enforcement and accident investigation overlap at the water margin, offshore and on inland waterways	Low	Table top exercise is due to take place in early Dec in Torquay fire station with Police / Ambulance and fire, this will cover marine accidents, additionally there were two incidents in the current year one where a ship nearly sank, this involved Alder & Allan and multi agencies and a Bomb scare in Brixham that again involved multi agencies, these incidents would negate the need for exercises.
1.9.2	As best practice, for completeness and ease, we would recommend that the Business Continuity Plan (BCP) contain a link to the physical and shared drive location of the Emergency Plan, as this is referenced frequently within the BCP.	Opportunity	Agreed – March 19 AP
No.	Observation and implications		
1.10	Various methods are now being used to communicate with Harbour users, for example the Harbour website, Twitter, Hootsuite and Facebook. It was previously agreed that the webpage relating to publications required a review and update to ensure the public were receiving up to date and current information. However, we understand this site review has yet to be undertaken.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.10.1	As previously recommended, the Harbour web page should be fully reviewed to ensure that all reports and plans are current, ensuring the public has access to up to date and current information.	Low	Agreed – web page has been reviewed and will need to be continually monitored. It now contains new information including events and contact information, and reports – SP ongoing
No.	Observation and implications		
1.11	We continue to report that there are a number of risk assessments outside MarNIS that are in need of review, there is nothing to indicate that this has been undertaken. The document register within MarNIS shows that a number of risk assessments/ documents are either overdue for review or due for review soon.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.11.1	As previously agreed all risk assessments should be reviewed annually, additionally the document register should be reviewed to ensure that where applicable all documents are reviewed.	Medium	Agreed – work has started and will be ongoing, various members of staff have been assigned tasks completion March 19

No.	Observation and implications		
1.12	<p>As previously reported the MarNIS system used to record all risk assessments / accidents / incidents / training etc. has no system controls linked to access i.e. all staff have the same access.</p> <p>It was anticipated that a pending system update would include an audit trail functionality whereby transactions can be attributed to users through view of an on screen provision, whilst there is a properties tab that shows who set up the record and who last updated it, the audit trail does not show all details, it is anticipated that the next update will resolve this issue however this remains outstanding</p> <p>This will provide some element of mitigation; however, the risk remains that the system access cannot be appropriately restricted. Resolution of this issue in full would require a system modification at significant cost to the Harbour Authority.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.12.1	Tor Bay Harbour Authority should either accept the risks (with the upgrade audit trail provision) or progress the modification to provide full system access controls.	Medium	Risk accepted by management due to cost to update system
No.	Observation and implications		
1.13	<p>Although a number of key Harbour staff have undertaken the Risk Management training, we have previously reported that this was out of date, staff that have had training in 2015 will need to re-do this in November 2018.</p> <p>As the recommendation is for a three-yearly refresher training process, further engagement in the training for Harbour staff would ensure all staff are trained to current practices and provide consistency in terms of the processes operated.</p> <p>This issue was also picked up by a recent inspection by the H&amp;S team.</p>		
	Recommendation	Priority	Management response and action plan including responsible officer
1.13.1	Each site should have a trained risk assessor. This is especially important at Brixham, as this is the largest port, which operates largely with the fishing industry, and the port is getting increasingly busy.	High	Actioned – AP has contacted H&S team to arrange risk assessment training for the harbour managers on the next course in Feb 19
No.	Observation and implications		
1.14	<p>It has already been highlighted that a number of risk assessments are overdue for review, however there is little or no progression on formulating new risk assessments, given the diversity of roles across the three Harbours and the continuing growth at Brixham this should be addressed.</p> <p>As previously reported the Safety Management System document does not list the dates for review and the list does not match those detailed in MarNIS.</p>		

	It was previously agreed that a Safety Officer was to be appointed and that a dash board would be established which will identify the owner of risk assessments / SOP's / accidents / incidents etc, and intended that this will ensure that all reviews are picked up and actioned. The manual will then be updated to reflect current dates / reviews; however, this has not been actioned. Given the number of recommendations that we have had to re-report it is now essential that responsibility for ensuring action in relation to risk assessments and that all recommendations are actioned to ensure compliance with the PMSC is assigned to the agreed Safety Officer.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.14.1	A full review should be undertaken to ensure that risk assessments have been established for all areas of the three harbours and this should include all tasks undertaken by staff for example any equipment they use, chemicals they handle etc and activities in and around the harbour e.g. fly boarding	Medium	Agreed – full review to take place, completion date March 2019 – SP  Assigned officers to complete the identified assessments – June 2019
1.14.2	The Safety Management System manual should be updated to reflect the correct date of all reviews for risk assessments and all risk assessments thus ensuring the committee is presented with accurate information.	Low	Actioned – the manual has been updated and sent to IA for review / comment.
1.14.3	As previously agreed a Safety Officer should be appointed to ensure action in relation to risk assessments and that all recommendations arising from the PMSC audit are actioned.	High	Agreed – Steps are being put in place for this, with HR advice being sought - AP - should be fully in place by April 2019
No.	Observation and implications		
1.15	A list of standard operating procedures is held and staff are appropriately aware of them. They have been formulated to link to risks and work practices identified by Harbour staff and Management, however it is not clear that these have been subject to a review as some appear to be several years old.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.15.1	Linked to risk assessments a full review should be undertaken for all SOP's to ensure they cover all areas in particular the use of fork lifts as detailed in 1.6.2 and the Brixham work boat. Where SOP's have been subject to review, the associated review date should also be identified within the document.	Medium	Agreed – SP April 2019
No.	Observation and implications		
1.16	It is pleasing to note that since the previous audit, the contract with MTS for pilotage has now been signed. A Tor Bay Harbour Pilotage Manual has been produced but remains dated as September 2014, with no 'first issue' or 'revision' dates detailed, suggesting that this manual has not yet been formally adopted.		

	Recommendation	Priority	Management response and action plan including responsible officer
1.16.1	As previously recommended the Pilotage Manual needs to be updated, issued for comments and finalised.	Low	Agreed – March 19 AP
No.	Observation and implications		
1.17	The SOP procedure states that where a defective vehicle is a significant risk to the safety of the port, the Emergency Plan should be implemented, however it was noted that the plan has not been reviewed / updated since 2015. In addition, it was previously recommended and agreed that the National Contingency Plan (NCP) for Marine would be obtained and held centrally in order to ensure that all staff were aware of any changes. We found that whilst the NCP had been updated in 2017, all links to it were to the 2014 version		
	Recommendation	Priority	Management response and action plan including responsible officer
1.17.1	The Emergency Plan should be reviewed and if necessary updated, this should then be presented and approved by the Harbour Committee. Additionally, as previously recommended the National Contingency Plan for Marine should be obtained and all links to it updated to ensure they direct staff to the latest version.	Low	Agreed – AP June 19
No.	Observation and implications		
1.18	In a majority of cases staff were found to be appropriately trained to use the harbour craft, part of which requires them to have medicals every 5 years however this is not listed on the training matrix. We did identify one member of staff at Brixham that still needs to re-do his certificate, however we are unclear whether he actively uses the harbour craft.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.18.1	As previously agreed the training matrix should be updated to show when the medicals are due.	Low	Agreed – training matrix to be updated Dec 18 - AC
1.18.2	Harbour craft users should be reviewed to ensure that all are appropriately certificated.	Low	Agreed - will be followed up as part of the review / updating of the training matrix. AC Dec 18
No.	Observation and implications		
1.19	A training matrix is held for each Harbour, a review found that it appears that some staff's training has expired, and the training matrix has not been kept updated		
	Recommendation	Priority	Management response and action plan including responsible officer
1.19.1	A full review should be undertaken of each training matrix and where applicable re-training should be undertaken. Where training has been done this should be recorded.	Medium	Agreed – training matrix is being updated – KA/AC – March 2019

No.	Observation and implications		
1.20	It is a requirement for Harbours to confirm to the MCA they are compliant with the PMSC every 3 years, the letter can be posted or sent via e-mail, the letter attached to the Harbour website is from April 15, no evidence was received to confirm that this was done in April 18.		
	Recommendation	Priority	Management response and action plan including responsible officer
1.20.1	Confirmation should be provided that the MCA were provided with details confirming they are compliant with the PMSC, this should also be on the Harbour website	High	Agreed – AP to reissue and provide evidence to IA (evidence received) and add confirmation to the website – Dec 18 / Jan 2019

## Definitions of Audit Assurance Opinion Levels

Assurance	Definition
High Standard.	The system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place. We have made only minor recommendations aimed at further enhancing already sound procedures.
Good Standard.	The systems and controls generally mitigate the risk identified but a few weaknesses have been identified and / or mitigating controls may not be fully applied. There are no significant matters arising from the audit and the recommendations made serve to strengthen what are mainly reliable procedures.
Improvements required.	In our opinion there are a number of instances where controls and procedures do not adequately mitigate the risks identified. Existing procedures need to be improved in order to ensure that they are fully reliable. Recommendations have been made to ensure that organisational objectives are not put at risk.
Fundamental Weaknesses Identified.	The risks identified are not being controlled and there is an increased likelihood that risks could occur. The matters arising from the audit are sufficiently significant to place doubt on the reliability of the procedures reviewed, to an extent that the objectives and / or resources of the Council may be at risk, and the ability to deliver the service may be adversely affected. Implementation of the recommendations made is a priority.

## Definition of Recommendation Priority

Priority	Definitions
High	A significant finding. A key control is absent or is being compromised; if not acted upon this could result in high exposure to risk. Failure to address could result in internal or external responsibilities and obligations not being met.
Medium	Control arrangements not operating as required resulting in a moderate exposure to risk. This could result in minor disruption of service, undetected errors or inefficiencies in service provision. Important recommendations made to improve internal control arrangements and manage identified risks.
Low	Low risk issues, minor system compliance concerns or process inefficiencies where benefit would be gained from improving arrangements. Management should review, make changes if considered necessary or formally agree to accept the risks. These issues may be dealt with outside of the formal report during the course of the audit.
Opportunity	A recommendation to drive operational improvement which may enable efficiency savings to be realised, capacity to be created, support opportunity for commercialisation / income generation or improve customer experience. These recommendations do not feed into the assurance control environment.

## Confidentiality under the National Protective Marking Scheme

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<b>Marking</b>	<b>Definitions</b>
Official	The majority of information that is created or processed by the public sector. This includes routine business operations and services, some of which could have damaging consequences if lost, stolen or published in the media, but are not subject to a heightened threat profile.
Secret	Very sensitive information that justifies heightened protective measures to defend against determined and highly capable threat actors. For example, where compromise could seriously damage military capabilities, international relations or the investigation of serious organised crime.
Top Secret	The most sensitive information requiring the highest levels of protection from the most serious threats. For example, where compromise could cause widespread loss of life or else threaten the security or economic wellbeing of the country or friendly nations.