

Meeting: Harbour Committee

Date: 16th December 2019

Wards Affected: All wards in Torbay

Report Title: Port Marine Safety Code – Results of Annual Compliance Audit

Is the decision a key decision? No

When does the decision need to be implemented?

Cabinet Member Contact Details: Not a Cabinet Function

Supporting Officer Contact Details: Adam Parnell

Head of Tor Bay Harbour Authority

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1. Proposal and Introduction

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*.

2. Reason for Proposal and associated financial commitments

2.1 Torbay Council, as the Statutory Harbour Authority, 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".

2.2 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.

2.3 The Duty Holder has recently conducted an annual appraisal of Compliance and the resulting report is at Appendix 1. The associated Action Plan to address recommendations is at Appendix 2 and the latest version of the Safety and Environmental Management Plan (v 16.2) is at Appendix 3.

2.5 This proposal does not commit the Harbour Authority to expenditure not already approved.

Recommendation(s) / Proposed Decision

3.1 That the submitted report, and appendices, be noted.

Appendices

1. Port Marine Safety Code Annual Compliance Report
2. Safety Action Plan

Background Documents

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>

Report Clearance

Report clearance:	This report has been reviewed and approved by:	Date:
Chief Executive	Steve Parrock	
Monitoring Officer	Anne-Marie Bond	
Chief Finance Officer	Martin Phillips	
Director of Place	Kevin Mowat	