



**Meeting:** Harbour Committee

**Date:** 21 Sept 2020

**Wards Affected:** All wards in Torbay

**Report Title:** Port Marine Safety Code and Health & Safety matters

**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 is a standing Harbour Committee agenda item to provide an update on PMSC matters and ongoing Health and Safety issues.
- 1.2 The Harbour Committee is the nominated *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, adheres to the requirements of the PMSC (the national standard for port safety) to "improve safety for those who use or work in ports, their ships, passengers and cargoes, and the environment".

2.2 The PMSC is neither mandatory nor creates new legal duties. While failure to comply is not an offence, it is recognised 'good practice' so failure to adhere to the Code may be indicative of a harbour authority being in breach of certain legal duties.

2.3 Since the last Harbour Committee meeting, SHE Assure has been introduced as the Council's H&S Management System IT tool and sits alongside MARNIS which is the Harbour's Marine Safety Management System IT tool. To avoid duplication it has been agreed that all incidents from the top of the slipway/pontoon gate and landward are recorded on SHE and all incidents seaward of that boundary are recorded in MARNIS.

2.4 A 100% review of all H&S Risk Assessments has been undertaken and these have been uploaded into SHE, and the 100% review of all associated Safe Systems of Work (SSOW) and/or Method Statements is ongoing, with an expected completion date of 01 Nov.

2.5 Over the summer two incidents were reported to the HSE – one being a 'whistleblowing' report from an employee regarding the use of the waste compactor in Brixham and another by a member of the public regarding a marine contractor operating in Torquay. The former has been independently audited by the SWISCO Occupational Safety Officer who found only minor issues but agreed that safety had not been breached and thus the report is viewed as a False Alarm with Good Intent. The latter is being pursued directly between HSE and the contractor concerned.

2.6 **PMSC incidents:** There are 3 of note: two incidents of commercial vessels pumping out their bilges inside an enclosed harbour resulting in an oily-water discharge, one report of a commercial fishing vessel speeding in Torquay harbour and one incident of a yacht sailing under the Torquay bridge as it was closing (near miss). Actions that have been implemented as a result of these incidents includes:

- Commercial MFV being reminded of the prohibition on pumping bilges in harbours;
- The speeding vessel being informed that their mooring will be withdrawn from 31 March 2021; and
- A reminder to staff regarding emergency bridge procedures and the owner of the vessel concerned rebriefed.

2.7 **Health and Safety incidents:** There are 8 incidents (all minor) of note: 5 slips, trips and falls, one incident of deliberate arson on the quayside, one occasion where a vessel owner used a grinder without obtaining a 'hot works' permit (resulting in other vessel's being cosmetically damaged by hot sparks) and a chemical burn received by a staff member who was not wearing PPE correctly. All of these have been addressed.

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

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### 3. Recommendation(s) / Proposed Decision

3.1 That the report is noted.

#### Appendices

None

#### 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](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	Anne-Marie Bond	
Monitoring Officer	Amanda Barlow	
Chief Finance Officer	Martin Phillips	
Director of Place	Kevin Mowat	