Marine Safety Management System (SMS)

Version 16.0 dated Nov 2018

CONTENTS

Record of amendments

Amendment	Date	Description of changes
16.1	Nov 19	Updates date of annual review in section 4.3 from November to March

Document control

This is a controlled document which will be subject to periodic review and amendment. Major amendments will be issued as version numbers eg v1, v2 etc with minor amendments annotated by a decimal point eg minor amendments to v2 will be v2.1, v2.2 etc.

Proposals for amendments should be sent to the Harbour Master using one of the following means:

By phone: 01803 853321
By email: brixham.harbour@torbay.gov.uk
By post: Brixham Harbour Office, New Fish Quay, Brixham, TQ5 8AJ

Review procedures

This plan will be reviewed at least annually by the Harbour Committee. Occasions for review include following an incident or exercise which highlights shortcomings in the Safety Management System. It will also be audited by the Designated Person at least annually.

Review and Audit record

Date	Review (R) or Audit (A)	Description	Reviewer/ Auditor
22 Feb 19	R	HM quarterly review	AP
31 May 19	R	HM quarterly review	AP
30 Aug 19	R	HM quarterly review	AP
06 Nov 19	R	HM quarterly review, incorporating post PMSC annual audit points	AP
19Nov 19	A	Annual audit by Designated Person	VB

Part 0 - Tor Bay Harbour Committee

The Tor Bay Harbour Committee (in alphabetical order by surname) are:

Councillor Nicole Amil (Chair)

Councillor Nick Bye

Councillor Christine Carter

Councillor Vic Ellery

Councillor Jack Dart

Councillor James O'Dwyer

Councillor John Dudley

Councillor Judith Mills

Councillor Andrew Barrand

Advisors

Mr Nigel Blazeby

Mr David Buckpitt

Captain Mark Day

Mr Michael Ellis

Mr Michael Stewart

Officers

Captain Adam Parnell	Harbour Master
Mr Nick Burns	Deputy Harbour Master
Mr Simon Pinder	Marine Leisure & Beach Services Manager
Miss Karen Annis	Business Manager

Designated Person

Verna Barnes	Devon Audit Partnership

Definitions

ALARP	A term indicating that, after mitigation measures have been implemented, the residual risk is as low as reasonably practicable ie the cost or resources involved in reducing it further would be grossly disproportionate to the benefit gained.
Admiralty List of Radio Signals	A catalogue which provides comprehensive information on marine radio communications.
Area of Outstanding Natural Beauty (AONB)	An area of countryside which has been designated for conservation due to its significant landscape value
Auditor	Person with the competence to conduct an audit
Competent Harbour Authority	A Harbour Authority which has been given statutory power relating to the provision of pilotage in their waters.
Continual improvement	Recurring process of enhancing the safety management system in order to achieve improvements in overall safety performance consistent with the organisation's Health and Safety policy.
Corrective action	Action to eliminate the cause of a detected nonconformity.
Document	Information and its supporting media
Environment	Surroundings in which an organisation operates, including air, water, land, natural resources, flora, fauna, humans, and their interrelation.
Environmental aspect (EA)	Elements of an organisation's activities, products or services that can interact with the environment.
Environmental impact	Any change to the environment, whether adverse or beneficial, wholly or partially resulting from an organisation's environmental aspects.
Environmental policy	Overall intentions and directions of an organisation related to its environmental performance as formally expressed by top management.
Environmental target	Detailed performance requirement applicable to the organisation or parts thereof, that arises from the environmental objectives and that needs to be set and met in order to achieve those objectives.

European Sea Port Organisation	The representative body of EU member states' port authorities. Inter alia it grants the status of eco-port to qualifying ports and harbours
General Lighthouse Authority	The agency primarily responsible for aids to navigation. In the UK this is Trinity House.
Gross Registered Tonnage	A ship's total internal volume expressed in 'register tons' each of which equals $2.83m^3$
Internal audit	Systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which the environmental management system audit criteria set by the organization are fulfilled.
International Ship and Port facility Security code (ISPS)	An amendment to the Safety of Life at Sea Convention on minimum security arrangements for ships, ports and government agencies.
Local Lighthouse Authority (LLA)	Ports, harbours or other parties providing navigational aids in a locality as part of its facilities. These must adhere to the General Lighthouse Authority's policy on the correct provision and maintenance of such equipment.
Maritime and Coastguard Agency (MCA)	A UK government agency working to prevent loss of lives at sea and responsible for implementing British and international maritime law.
Maritime Conservation Zone (MCZ)	An area designated under the Marine and Coastal Access Act 2009 for the purposes of conserving marine flora, fauna, habitats or features of geological or geomorphological interest
Nonconformity	Non-fulfilment of a requirement.
Organisation	Tor Bay Harbour Authority
Port Marine Safety Code (PMSC)	The national standard for port safety within the UK.
Preventive action	Action to eliminate the cause of a potential nonconformity.
Prevention of pollution	Use of processes, practices, techniques, materials, products, services or energy to avoid, reduce or control (separately or in combination) the creation, emission or discharge of any type of

	pollutants or waste, in order to reduce adverse environmental impacts.
Procedure	Specified way to carry out an activity or a process.
Record	Document stating results achieved or providing evidence of activities performed.
Safety management system (SMS)	Part of an organisation's management system used to develop and implement its Health and Safety policy and manage its risks and hazards to people
Safety and Environmental Management System (SMS)	Part of an organisation's management system used to develop and implement its Health and Safety policy and manage its risks and hazards to people, the environment and infrastructure
Safety objective	Overall safety goal, consistent with the Health and Safety policy, that an organisation sets itself to achieve.
Safety performance	Measurable results of an organisation's management of its environmental aspects.
Tor Bay Harbour Committee	The management committee responsible for the management of safety within Tor Bay Harbour
Secretary of State's Representative	The nominated individual empowered by the Secretary of State to be the ultimate decision maker during maritime salvage and pollution incidents.
Site of Special Scientific Interest	A site within the UK considered to be of special interest by virtue of its fauna, flora, geographical or physiological features.

Part 1 – The Manual

1. Introduction

In its role as Statutory Harbour Authority, Torbay Council is charged with managing, maintaining and improving Tor Bay Harbour within its nominated limits, and has a number of duties which include (but are not limited to):

      a.   A duty to keep the port open for shipping and unshipping of goods and embarking and landing of passengers (on payment of rates) – also known as 'open port duty' [s33 HDPC Act 1847].

      b.   A general duty to exercise its functions with regard to nature conservation and other environmental considerations (including facilities for visiting archaeological, architectural and historic features [s48A of the Harbours Act 1964].

      c.   Lighting and buoying responsibilities as a Local Lighthouse Authority [Part VIII Merchant Shipping Act 1995].

      c.   A duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely (this includes surveying navigable channels, placing navigation marks and keeping proper hydrographic and hydrological records) and a common law duty to conserve the harbour so that it is reasonably fit for use as a port.

      d.   Environmental Protection legislation including the Environmental Protection Act 1990.

Tor Bay Harbour Authority has a number of ambitious objectives including reducing its resource consumption, raising environmental awareness among harbour users and protecting and enhancing the harbour's natural habitats.

1.1 Overview of Tor Bay Harbour

Tor Bay is a natural harbour, which encapsulates the enclosed ports of Brixham, Paignton and Torquay to the west of Lyme Bay. Its orientation protects it from the prevailing south west winds and seas, and it has traditionally been used as a port of refuge for vessels seeking shelter in adverse weather conditions. It is used for many recreational activities and become quite congested in the 'high' season however is primarily a year-round 'working' harbour: it accommodates merchant ships, cruise liners, naval vessels, tugs and towed barges. It also hosts the largest fishing harbour in England and Wales by value of catch landed (Brixham). Additionally, fishing vessels also work from Torquay and Paignton, and both Brixham and Torquay host large marinas operated by third parties.

A number of marine services are available within Tor Bay light engineering and maintenance, including fuel from Torquay and Brixham.

Tor Bay harbour is also an important area environmentally because of the high level of biodiversity which supports a rich array of marine wildlife: part of its coastline is within the South Devon Area of Outstanding Natural Beauty (AONB) while other parts are designated as Sites of Special Scientific Interest (SSSI), and the Torbay MCZ extends from the coastline to between 1-2.5km to sea and encompasses Hope's Nose and Berry Head.

The UK has obligations under SOLAS to provide shelter for maritime casualties which may require use of waters within a port as a place of refuge. The MCA and SOSREP are responsible for discharging this obligation and Tor Bay harbour may be tasked to accommodate a vessel subject to the limitations of the Harbour facilities described above. The limiting factor in this instance is the lack of dry dock facilities, the nearest of which are Galmpton or Plymouth.

1.2 Safety Management System

As a means of achieving the overarching objectives described above, we developed and implemented a marine Safety Management System (SMS) which has been designed to:

- Provide an understanding of our risks and their potential consequences to people, the environment and equipment through a baseline review and subsequent monitoring;
- Establish processes and procedures to reduce our most significant health and safety risks, and environmental aspects;
- Ensure compliance with relevant legislation; and
- Raise awareness of health and safety and environmental issues amongst staff and Harbour Users through effective communication and training.

1.3 Aim and Objectives of the Safety Management System

The aim of the SMS is to identify, quantify and manage significant marine risks associated with the waters and harbour activities of Tor Bay. This will ensure:

- Proper control of vessel movements within the harbour;
- Personal safety is properly controlled;
- Suitable plans for emergencies are maintained and regularly exercised;
- That all activities are carried out with regard to their possible environmental impact;
- Byelaws and other powers are correctly exercised;
- Compliance with the national standards of the Port Marine Safety Code.

1.4 Scope of the SMS

The SMS covers all operations and activities undertaken by the Tor Bay Harbour Authority in, on or near the Harbour. In addition it also covers:

- Third party marine operations within the Harbour;
- Marine leisure and sports activities; and
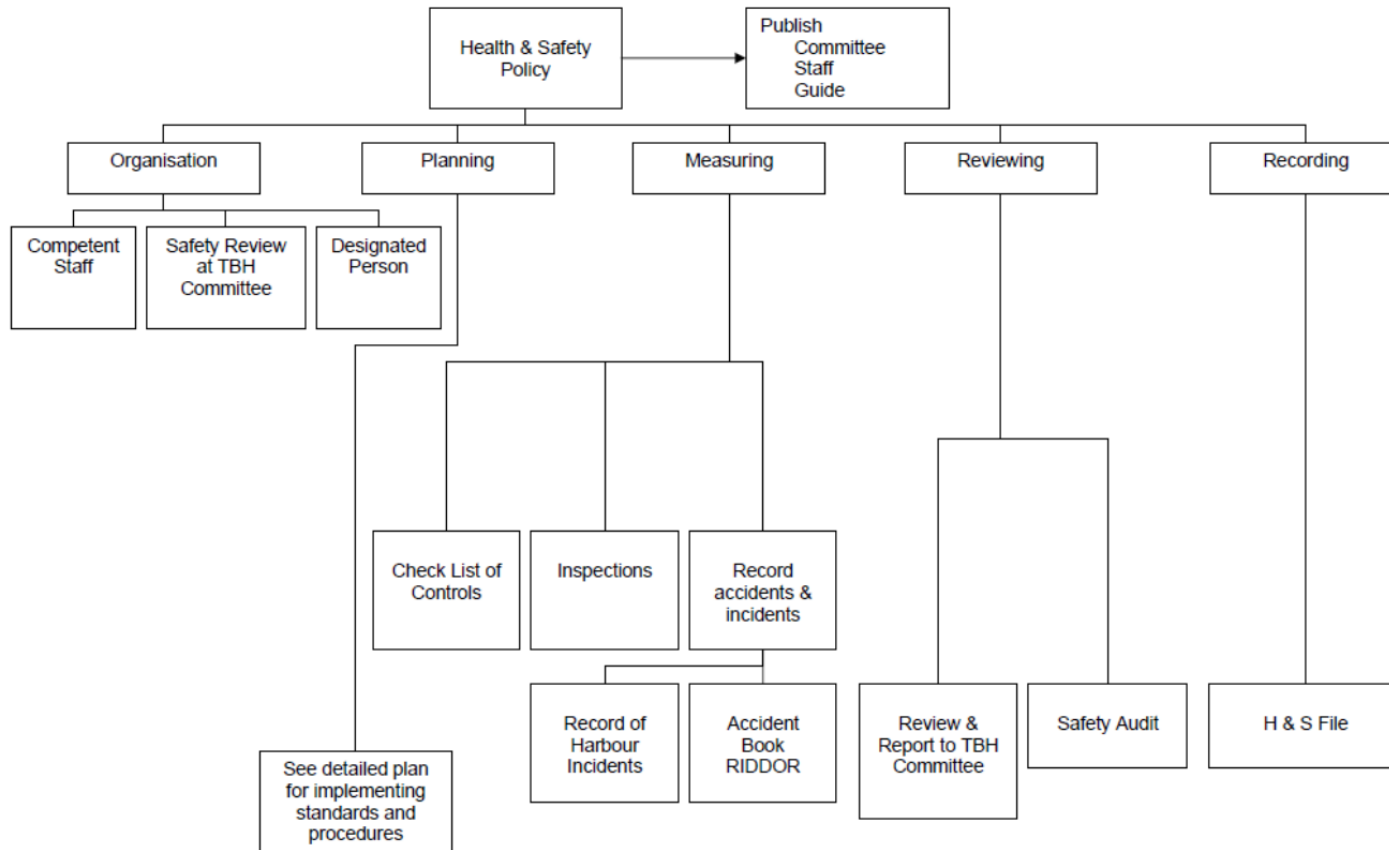
- Marine operations undertaken by any support or service organisation, including marine services such as dredging, surveying and diving.

1.5 System components

An SMS which manages the hazards and risks, along with any preparations for emergencies, must be developed, implemented and maintained. This should be operated effectively and revised periodically. Its components include (see over):

TOR BAY PMSC SAFETY MANAGEMENT SYSTEM

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                    ┌─────────────────┐         ┌─────────────────┐
                    │  Health & Safety│────────▶│ Publish         │
                    │  Policy         │         │ Committee       │
                    │                 │         │ Staff           │
                    │                 │         │ Guide           │
                    └─────────────────┘         └─────────────────┘
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Organisation	Planning	Measuring	Reviewing	Recording

Competent Staff	Safety Review at TBH Committee	Designated Person

Check List of Controls	Inspections	Record accidents & incidents

Record of Harbour Incidents	Accident Book RIDDOR

Review & Report to TBH Committee	Safety Audit

H & S File

See detailed plan for implementing standards and procedures

OUTLINE CHART OF SAFETY MANAGEMENT SYSTEM

4

TOR BAY HARBOUR PLANNING FOR PMSC

Planning

- Consultation → Risk Assessment

Risk Assessment branches:
- Emergency Plans
- Conservancy
- Environmental Management
- Management of Navigation
- Pilotage
- Marine Services

Emergency Plans
- Harbour Emergency Plan
- Council Emergency Plan
- Oil Spill & Contingency Plan
- National Contingency Plan for Maritime Pollution

- Fire Plan

Conservancy
- Hydrography
- Works & Dredging
- Buoyage & Navigation Aids
- Wreck Removal
- Licensing Works

Environmental Management
- Environmental Management Policy
- Port Waste Management Plan

Management of Navigation
- Commercial Shipping Procedures
- Leisure Management Procedures
- Regulation & Enforcement Procedures

Commercial Shipping Procedures
- Passage Plan
- Monitor
- Reporting (Voluntary)
- Control
- Access to VTMS data
- Patrols
- Commercial Anchorages

Leisure Management Procedures
- Zones
- Events
- Moorings
- Marinas & Harbours
- Leisure Anchorages

- Directions
- Regulations
- Authorisation
- Contracts
- Training
- Manning by Contractor
- PECs
- Contractor's Boat Procedures

- Bunkering
- Passenger Craft Regulated by MCA Etc
- Towage
- 4 Workboats
- Permit for Commercial Diving
- Dredging Contractor
- Buoy Maintenance
- Salvage
- Management of Leisure Craft

2. Policy

2.1 Statements of commitment

2.1.1 Torbay Council (the Tor Bay Harbour Authority)

Torbay Council's commitment to Health and Safety is set out in the Health and Safety Policy which has been signed by the Mayor and Executive Director of Operations and Finance.

All employees are made aware of the policy during induction and a copy is available on the Tor Bay intranet. The policy is also displayed on notice boards in the Harbour Offices and Workshops.

Related Documentation: **Torbay Council Health and Safety Policy**

2.1.2 Tor Bay Harbour Committee

The Tor Bay Harbour Committee (TBHC) has adopted a health and safety management system in compliance with the principles set out in the Port Marine Safety Code. The health and safety management system includes policies for emergency plans, conservancy and environment, management of navigation, pilotage and marine services.

THBC will within the limits of their jurisdiction provide a safe harbour which is open to the public for recreation and the transportation of passengers and goods. It will ensure the safety of Tor Bay by exercising its statutory functions to a high standard.

TBHC will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The TBHC will ensure such marine services as are required for the safe use of their harbour are available and are well maintained and operated, including the availability of an efficient pilotage service and a regular review and maintenance of pilotage directions. THBC will ensure that up to date plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.

Existing powers shall be reviewed on a periodic basis, to avoid a failure in discharging duties or risk exceeding powers.

The Policy incorporates input from officers, from staff and from harbour users as high standards of safety can only be achieved through dialogue and co-operation. Plans and reports will be published as a means of improving the transparency and accountability of the harbour authority, as well as providing reassurance to the harbour users. TBHC will consider past events and incidents so as to recognise potential dangers and identify the means of avoiding them.

2.2 Marine safety

The Marine Safety Policy augments the Health and Safety Policy. The Harbour Authority is committed to:

- Complying with all legal requirements.

- Managing its assets safely and efficiently.
- Maintaining relevant harbour equipment to agreed industry standards.
- Recruiting and training operational staff to nationally agreed competence levels (National Occupational Standards).
- Ensuring that the staff is properly trained for emergencies and contingencies.

In making these commitments the Harbour Authority has appointed the Harbour Master to fulfil the role of Marine Operations Safety officer responsible for:

- Ensuring that the Harbour Authority complies with the Port Marine Safety Code.
- Ensuring that all risks are assessed and eliminated or reduced to as low as reasonably practical (ALARP) in accordance with best practice.
- Carrying out routine safety inspections on marine operations and re-assessing risks dynamically as appropriate.
- Reporting, investigating and recording all incidents and accidents, and ensuring that 'lessons learned' are widely disseminated to all appropriate persons, bodies and institutions.

2.3 Environmental policy

Our commitment to the environment is set out in our Environmental Policy Statement which has been signed by the Chair of the Harbour Board.

All employees are made aware of the policy during induction and a copy is available on the Tor Bay Harbour website. The policy is also displayed on notice boards in the Harbour Office and Workshop.

Related Documentation:　　　　　　**Environmental Policy Statement**

2.4 Beach and water safety

The Council recognises that the beaches of Tor Bay provide a valuable resource for the health, enjoyment and well-being of residents and visitors which underpins the prosperity of the tourism economy. It has published its Beach and Water Safety Policy on its website but these are not currently under the purview of the TBHC and thus do not form part of this SMS.

Related Documentation:　　　　　　**Beach Management Policy**

3. Organisation and responsibilities

3.1 Resources, roles, responsibility and authority

3.1.1 Tor Bay Harbour Authority (TBHA)

Torbay Council is the Statutory Harbour Authority for Tor Bay Harbour and has a range of important statutory and non-statutory duties relating to the safety of people who work at or use

the Harbour, and to the wellbeing of the port marine environment and community. In particular:

- Taking reasonable care that all who may choose to navigate in it may do so without danger to their lives or property.
- An environmental duty to exercise its functions with regard to nature conservation and other environmental considerations.
- Conserving and promoting the safe use of the harbour and prevent loss or injury through the organisation's negligence.
- Have regard to the efficiency, economy and safety of operation as respects the services and facilities provided.
- Taking such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the harbour.

They are also responsible for developing a formal marine safety management system to ensure that all risks are identified and controlled; they should either be eliminated or kept As Low As Reasonably Practicable (ALARP).

The Torbay Harbour Authority is a Competent Harbour Authority under the Pilotage Act 1987.

Related Documentation: **Tor Bay Harbour Act 1970**
                                 Merchant Shipping Act 1995
                                 Health and Safety at Work Act 1974
                                 Port Marine Safety Code

3.1.2 Tor Bay Harbour Committee (TBHC)

The strategy and performance of the Harbour is managed by the TBHC which is a committee of Full Council. It comprises 9 members of Council and up to 5 external non-voting advisors appointed by the Council following an open competition. The Harbour Committee is also the Duty Holder (see below). The Committee is responsible for ensuring that the Harbour Authority complies with the PMSC and is accountable for safe and efficient marine operations. In particular:

- The development and proper operation of a marine safety management system;
- The appointment of a designated person (see below) to monitor and report the effectiveness of the safety management system and provide independent advice on marine safety;
- Assessing the fitness and competence of all persons appointed to positions with responsibility for safe navigation including marine pilots.

Related Documentation: **Port Marine Safety Code**

THBC considers that current legislation gives them adequate authority to exercise their responsibilities as described in this document and in accordance with the PMSC. The organisation is bound by a number of harbour-related statutes, safety regulations and codes including:

- The Harbour, Docks and Piers Clauses Act 1847;
- The Harbours Act 1964;
- The Tor Bay Harbour Act 1970;
- The Health and Safety at Work Act 1974;
- The Workplace (Health, Safety and Welfare) Regulations 1992;
- The Tor Bay Harbour (Torquay Marina &c) Act 1983;
- The Port Marine Safety Code

Related Documentation: **Register of Legislation**

3.1.3 Harbour Master

The Harbour Master, appointed by the TBHA, is responsible for the day-to-day management of the safe operation of navigation and other marine activities in the Harbour, and for its compliance with all legislation concerning health and safety, marine safety, and the environment. The Harbour Master is responsible for:

- As the nominated **Health and Safety Officer**: ensuring compliance with all applicable health and safety, and marine safety, legislation and associated policies including the Port Marine Safety Code;
- As the nominated **Environmental Manager**: ensuring that the Environmental Policy is implemented and environmental objectives and targets are monitored and met;
- As the principal **officer holding delegated responsibilities for safety**: attending Duty Holder meetings;
- As the Harbour's **Chief Executive**: overseeing the implantation of Harbour Authority policies and decisions and having overall executive responsibility for the safety of operations and staff;
- Reporting on the performance of the SMS to the Harbour Board for review and as a basis for continual improvement of the system;
- Preparing an annual report evaluating the health, safety and environmental aspects of the Harbour's activities;
- Nominating a DHM to deputise for him in his absence.

3.1.4 Duty Holder

The nominated Duty Holder as defined in the PMSC is the TBHC who are collectively and individually publically accountable for marine safety under the Port Marine Safety Code. They are also, on behalf of the Harbour Authority, accountable for managing operations within the Harbour safely and efficiently.

The role of Duty Holder includes:

- Maintaining strategic oversight and direction of all aspects of the Harbour operation, including marine safety;

- Responsibility for the development of policies, plans, systems and procedures for safe navigation;
- Ensuring that assessments and reviews are undertaken as required to maintain and improve marine safety;
- Ensuring that the Harbour Authority seeks and adopts appropriate powers for the effective enforcement of their regulations, and for setting dues at a level which adequately funds the discharge of all their duties.

The Duty Holder is to be familiar with the content of the PMSC, and aware of its responsibilities in responding to it. Tor Bay Harbour has a SMS to fulfil the Duty Holder's obligations set out in the PMSC, and has delegated the day to day operation to the Harbour Master.

All members of TBHC are required to sign to the effect that they understand their responsibilities under the PMSC, against which they are held to account during Harbour Committee meetings.

3.1.5 Designated Person
The Designated Person provides independent assurance directly to the Duty Holder that the SMS, for which the Duty Holder is responsible, is working effectively. The main responsibility of the Designated Person is to determine, through inspection, assessment and audit, the effectiveness of the SMS in ensuring compliance with the PMSC.

The Board has appointed Vernal Barnes of the Devon Audit Partnership as their Designated Person.

3.1.6 Deputy Harbour Masters (DHMs)
The DHMs are nominated **Safety Managers** and responsible for ensuring that the SMS is being followed and to take preventative or corrective action should breaches be identified. In particular they are responsible for:

- When so nominated, deputising for the Harbour Master in his absence;
- Supervising tasks with regard to compliance with the SMS;
- Reporting and if necessary investigating health and safety incidents to the Harbour Master;
- Ensuring that all safety equipment is in good condition;
- To be subject matter experts on moorings, maintenance and office safety as appropriate;
- Be responsible for scheduling of planned mooring, plant and fleet maintenance;
- Ensuring that contractors are aware of the Harbour's safety and environmental policies and explaining that they will be expected to adhere to these;
- Be the **Emergency Planning Officer** for their harbour(s);
- Be the officer responsible for the development, maintenance and regular exercising of the **Oil Spill Contingency Plan** for their harbour(s).

3.1.7 Harbour Staff

All Harbour staff are responsible for ensuring that the SMS is being followed on a day to day basis reporting actual or potential breaches of the SMS to their line manager as appropriate. In particular they are responsible for:

- Taking care of their own health and safety and that of other harbour users who might be affected by their own acts or omissions;
- Complying with all harbour safety procedures laid down by the TBHC;
- Ensuring that marine operations are undertaken in a safe manner;
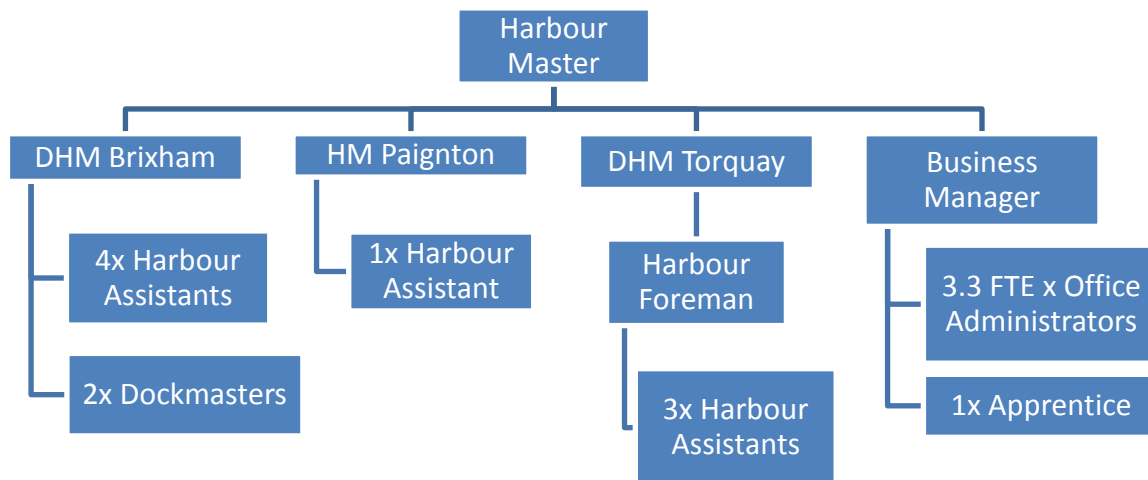- Reporting hazards, risks, incidents, accidents or near misses to their Safety Officer.

Figure 1: Tor Bay Harbour staff structure

3.1.7 Pilots

The contracted pilots (Marine and Towage Services Group Ltd) are responsible for the safe pilotage of large vessels within Tor Bay harbour and for reporting marine risks, incidents, accidents and near misses to the Harbour Master.

3.1.8 Harbour Users

Harbour users are responsible for their own health and safety and that of other harbour users who may be affected by their acts or omissions. They must comply with bylaws, directions and other regulations aimed at ensuring the safe use of the harbour.

3.1.9 Consultative forums

A well established and formal consultation mechanism which comprises a number of fora ensures that the TBHC has strong and direct links with both Harbour users, local communities and other external organisations which have interests in the estuary:

- The Torquay and Paignton Liaison Forum;
- The Brixham Liaison Forum;
- The Tor Bay Passenger Boat Operators Forum;

V16.1
Date Prepared – Nov 18
Date Revised – Nov 19

These fora provide valuable insight and information into customer requirements, and the safety and environmental wellbeing of the harbour. In particular, these forums seek consensus about safe navigation.

3.2 Training, awareness and competence

It is policy that all officers and staff are suitably trained, competent and qualified up to a minimum national standard to fulfil their roles within the organisation and can demonstrate competence in critical areas of harbour safety.

All staff need to fully understand the rationale behind the SMS and understand what is expected of them to maintain and improve the system. This will be achieved by initial all-staff meetings to explain the importance of the SMS and their responsibilities, and regular team briefings. Every year the training requirements of each member of staff will be assessed and a training programme initiated. All staff are appraised with respect to competence.

The training needs of all new members of staff will be assessed and a bespoke induction and training programme put into action. No member of staff will be expected to undertake any role or take on any responsibility for which they are not correctly trained or qualified. Mentoring and supervision will also be provided from within the Harbour staff.

Training will be scheduled into the programme and adequate records, including certificates or other documentation, maintained to provide an audit trail of qualification and competence. 'On the job' training and Continuous Professional Development (CPD) are also key elements of the training policy. All staff will receive training in emergency procedures.

Post	Training Responsibility
Deputy & Assistant Harbour Masters	Harbour Master
Assistant Harbour Master/Business Manager	Harbour Master
Harbour Master, Paignton	Harbour Master
Office Administrators	Business Manager
Business Administration Apprentices	Business Manager
Torquay Staff	Deputy Harbour Master, Torquay
Brixham Staff	Deputy Harbour Master, Brixham
Paignton Staff	Harbour Master, Paignton
Pilots, pilot boat crews & technical staff	Marine & Towage Services Group Ltd
Launch crews Technical staff	Marine & Towage Services Group Ltd

Related Documentation: **Training log**

4. Legislation

4.1 Register of legislation and regulations

Compliance with statute is a fundamental requirement of any safety or environmental management system. The Harbour Master is responsible for ensuring that the Legislation Register remains up to date by annual review as well as relevant publications and bulletins etc. Appropriate action is then taken to ensure compliance; this may involve revision of operational procedures or training updates.

The British Ports Association, UK Harbour Masters' Association, British Marine Federation, Government Agencies and Departments such as Defra, Natural England, MMO, AONB and Maritime & Coastguard Agency (MCA) together with colleagues from within the Council are all sources of information regarding the introduction and subsequent updates to environmental legislation

Related Documentation: **SMS Legal Register**
MCA M notices
BPA, UKHMA, MCA and other bulletins

4.2 Legislation compliance evaluation

The Harbour Master is responsible for maintaining and electronically recording the SMS Legal Register. He shall periodically evaluate compliance with relevant legislation via an audit process, interviews with relevant staff or by training and awareness events.

Where legal non-compliance is identified the Harbour Master shall raise a non-conformity report and seek proposals to address the non-compliance.

Legal compliance evaluation may also identify where practices do not comply with Environment Agency pollution prevention guidance (although not a strict legislative non-compliance. Where such situations are identified the Harbour Master may raise a preventative action and seek proposals to improve the practice.

The Harbour Master is responsible for maintaining this register and electronically recording the information in the SMS spreadsheet.

Related Documentation: **SMS Legal Register**
Non conformity reports if applicable

4.3 Review of powers

Existing powers should be reviewed on a periodic basis to avoid a failure in discharging the Harbour Authority's duties or exceeding its powers. These will be formally reviewed annually during the March Board meeting, to ensure that they are fit for purpose. Such a review should include an examination of the Legal Register to identify all appropriate legislation and regulations, and an audit of all in-force Harbour byelaws, Harbour Directions and Special Directions. Where additions, amendments or deletions are required the appropriate procedure set out in the appropriate legislative act is to be followed.

Where Special Directions have been issued (either by the Harbour Master or the Moorings Officers, to whom such powers have been delegated) these are to be recorded in the Incident Log, along with a narrative explaining how that decision was reached.

The Harbour Master may give directions (Dangerous Vessel Directions) prohibiting the entry into, or requiring the removal from, the harbour of any vessel if in their opinion the condition of that vessel or anything it contains presents a grave and imminent danger to the safety of persons or property or prejudice the use of the harbour by other vessels. Such directions may be over-ridden by the Secretary of State's Representative (SOSREP) who may issue contrary directions in the interests of safety. The decisions of both Harbour Master and/or SOSREP are to be recorded in the Incident Log, along with a narrative explaining how that decision was reached.

Related Documentation: **SMS Legal Register**
                                        Local Government Act
                                        Marine Navigation Act
                                        Dangerous Vessels Act
                                        Incident Log

4.4 Enforcement of compliance

The Harbour Authority has statutory powers, including Harbour Authority byelaws, Harbour Directions and Special Directions, to regulate the conduct of vessels in the harbour's jurisdiction and to assist in managing the risks of marine operations. To these ends, enforcement action will sometimes be necessary to safeguard the safety of harbour users and the environment.

A copy of the Enforcement Policy, which has been signed by the TBHC Chair, is available from the Harbour Office and all employees are made aware of the policy during induction. Staff also receive enforcement training, including how to gather and process evidence in accordance with the Police and Criminal Evidence Act.

Related Documentation: **Harbour Authority byelaw enforcement policy**
                                        Training log

5. Risk Assessment

It is the policy of Torbay Council that its powers, policies and procedures will be based on a formal assessment of hazards and risks, and that it will have a formal safety management system.

5.1 Procedure

TBHC has commissioned formal risk assessments of its marine operations to identify and record all hazards associated with activities and operations which occur within the harbour, and identify and enact appropriate control measures to eliminate or reduce the risk to **ALARP**.

There are two types of assessment: the planned, formal assessments which provide the framework to describe how all risk assessments are carried out in practice; and dynamic assessments which helps the individual to assess a situation which is constantly changing. The risk assessments contained within this SMS are of necessity mainly concerned with the former, although a comprehensive working knowledge of these will assist in the 'on the spot' assessment of the latter type. Formal risk assessment involves 5 stages:

1. Identifying the problem (data gathering)
2. Hazard identification
3. Risk analysis
4. Assessing the efficacy of existing control measures
5. Identifying and adopting new control measures

A **hazard** is something with the potential to cause harm, loss or injury whereas a **risk** is a combination of frequency of occurrence (likelihood) and consequence (outcome).

5.2 ALARP defined

Guidance offered by the Health and Safety Executive (HSE) defines the concept of ALARP as being at the heart of the British health and safety system. 'Reasonably practicable' involves weighing a risk against the trouble, time and money needed to control it, thus ALARP describes the level to which workplace risks are expected to be controlled.

The Court of Appeal (in its judgement in Edwards v National Coal Board [1949]) defined "reasonably practicable" more narrowly than "physically possible" by introducing the concept of proportionality, judgement and flexibility in determining when a control results in a risk being 'as low as reasonably practicable'. Such determinations should consider the application of 'good practice' and discussion with stakeholders. Where there is a lack of 'good practice' then such determinations should be derived from first principles by applying common sense and/or exercising professional judgement or experience.

If for any reason the safety management system identifies a control measure that is not effective the activity is to cease until suitable control measures are in place and the risk mitigated to as low as reasonably practical.

5.3 Harbour Authority risk assessments

In line with Council policy, risk assessments are either reviewed as a new risk emerges or is identified, or following an incident in which our assessments have proven to be sub-optimal, or annually, whichever is the most frequent. The Harbour employs the MarNIS risk assessment matrix so that similar hazards are treated in a common manner.

5.3.1 MarNIS risk assessment matrix grid and calculation
The matrix grid allows the user to select a grid cell matching frequency and consequence descriptors:

Figure 2 MarNIS Matrix Grid

The following matrix values are loaded into the MarNIS software:

Category	People	Property	Planet	Port Business
0	None	Negligible (£0 - £2,000)	None	None
1	Minor (Single slight injury)	Minor (£2,000 - £10,000)	Tier 1 (No outside assistance, no Harbour Authority response necessary)	Minor (£0 - £2,000 - Little local publicity. Minor damage to reputation. Minor loss of revenue)
2	Moderate (Multiple slight or single major injury)	Moderate (£10,000 - £100,000)	Tier 1 (Limited outside assistance, oil spill manageable with own means)	Moderate (£2,000 - £20,000 - Negative local publicity. Moderate damage to reputation. Moderate loss of revenue)
3	Serious (Multiple major injuries)	Serious (£100,000 - £1,000,000)	Tier 2 (Regional assistance needed, large oil spill, several amenities impaired)	Serious (£20,000 - £200,000 - Negative national publicity. Serious damage to reputation. Serious loss of revenue)
4	Major (One or more fatalities)	Major (> £1,000,000)	Tier 3 (National disaster, massive oil spill, widespread and/or extensive damage to amenities)	Major (> £2,000,000 - Negative national and international publicity. Major damage to reputation. Major loss of revenue)

Using the matrix, values for Frequency of Occurrence and Consequence can be selected for each of the four groups in both the Worst Credible and Most Likely scenarios. Each group has three cells associated with it, the first shows the selected frequency of occurrence, the second shows the consequence and the third is the matrix score. The values from the matrix are then used to arrive at the Overall Risk Score.

The following calculation is used to determine the Overall Score.

- Matrix Score from Worst Credible: People + Property + Planet + Port ÷ 4 = Average Worst Credible Value;
- Matrix Score from Most Likely: People + Property + Planet + Port ÷ 4 = Average Most Likely Value;
- Maximum score from the Worst Credible Scenario;
- Maximum score from the Most Likely Scenario;
- = Average Worst Credible + Average Most Likely + Max Worst Credible + Max Most Likely ÷ 4 = Overall Score.

Arising out of the risk assessments and as part of the policy of continuous improvement, the following actions have commenced and/or are ongoing:

1. Promotion of safe seamanship: there is forever a need to maintain, refresh, improve and emphasise the advice already being given through notices, brochures, emails of Notices to Mariners, the website, in person by harbour staff and through sea schools.

2. Regularly review how IT developments can improve communications with customers. Consider ways to promote the identity of Tor Bay Harbour Authority, possibly by expanding the Tor Bay Harbour Visitor Guide and by using social media, by improving the web site and providing a clear link to the Safety Management System and compliance with the Port Marine Safety Code.

3. Review security measures in place at the Brixham Fish Market.

4. Structural improvement plans are in hand for Haldon Pier, Princess Pier and a Northern Arm Breakwater at Brixham

5. Review and update where necessary :-
   Tor Bay Harbour Emergency Plan
   Local Port Services Policy
   Harbour Legislation

6. Investigate using Torbay Council's remote learning platform, 'i-Learn', to provide a link to the new Standard Operating Procedures currently being drafted.

Related Documentation: **Tor Bay Harbour Risk Assessments**

5.4 External (third party) risk assessments

Third parties seeking to conduct marine-related activities or operations within the harbour must first submit a copy of their formal risk assessment to the Harbour Master.

5.5 Risk control measures

To minimize risks to ALARP, a 'layered defence' approach is employed:

- Eliminate or prevent risks or impacts – for example by not commencing the activity;
- Substituting risks or impacts – by following a different (less hazardous) process;
- Isolating risks or impacts- by putting a barrier between the person (or environment) and the risk;
- Reducing the risk or impact – through procedures or training; and
- Protecting against risk – by wearing suitable PPE.

5.6 Safety plan

The PMSC requires Authorities to publish a safety plan for marine operations. This is contained within the Harbour Authority's Port Masterplan which has been adopted by the Council. A copy is available on the Harbour website.

Related Documentation: **Port Masterplan**

6. Environment
Torbay Council has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations.
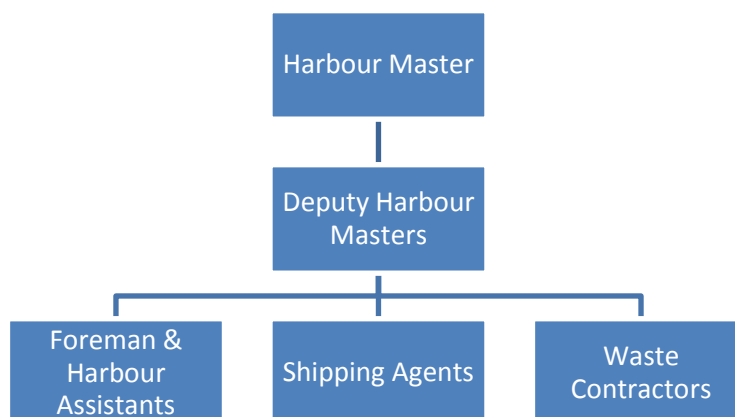
6.1 Procedure

Figure 3 Environmental Organisation

The HM shall, as Environmental Manager, identify and record situations (normal; unusual or emergency) during which an environmental aspect may arise and indicate whether each is directly or indirectly responsible for a resultant environmental impact. Each aspect has also been categorised according to whether the Harbour Authority has direct control over it, or more limited influence. These are considered within the 'planet' element of each MarNIS risk assessment.

Significant Aspects are addressed in the Harbour's Objectives and Targets.

Related Documentation: **Tor Bay Environmental Policy Statement**
                                  Port Waste Management Plan
                                  Standard Operating Procedures

6.2   Objectives and Targets

In order to ensure a structured approach towards achieving continual environmental improvement TBHC will annually establish environmental objectives and targets which are consistent with their Environmental Policy, the Aspects Register, the requirement for legislative compliance and the Harbour's strategic *Port Masterplan*. Our commitment to a wider sustainability and corporate social responsibility agenda is also considered.

Progress is monitored by the Environmental Manger who reports periodically to the Harbour Committee.

Related Documentation: **Environmental Objectives and Targets**
                                  Port Masterplan
                                  Minutes of Harbour Committee meetings

The "ESPO Green Guide; towards excellence in port environmental management and sustainability" introduces a common framework for port authorities to respond to their environmental challenges under 5Es; Exemplify, Enable, Encourage, Engage and Enforce. Where appropriate this framework is applied to the tasks which contribute towards the agreed Tasks and Objectives.

7. Implementation and Operation

7.1 Procedure

The Harbour Master is responsible for the overall implementation of the SMS.
All staff are encouraged and expected to make positive contributions to improving safety and managing risks when delivering services. This may be through day to day activities, during team meetings or through specific improvements projects.

In particular all staff should:

- Ensure that they comply with safety procedures and that pollution or air, land and water does not occur as a result of their work;
- Consider the sustainability of the way in which services are delivered.

7.2 Standard Operating Procedures

Activities with significant risks or adverse impacts are subject to necessary controls and operating criteria. Where required, documented procedures will be prepared, implemented and maintained to define the operational controls necessary to minimise the potential for damage or harm to people or the environment.

Related Documentation: **Standard Operating Procedures**

7.3 Routine operations

The Harbour Authority undertake a number of routine Harbour operations. They are broadly categorised as follows:

7.3.1 Conservancy: buoys and lights, surveys
TBHA has a duty to conserve the harbour so that it is fit for use as an 'open' port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it.

Hydrographical surveys are regularly commissioned based on the results of routine inspections and evidence of siltation. Survey records are maintained by the Harbour Office; these are shared with the UKHO under a formal agreement, thereby ensuring that Admiralty Chart 26 is maintained up to date. In addition, the survey results are used to determine the necessity for, and timing & scope of, any potential maintenance dredging campaign.

The provision of aids to navigation is based on risk assessment. Trinity House has issued standards for reliability and maintenance of navigation aids and reserves the right to undertake inspections to ensure that these are met. PANAR reports are submitted quarterly.

As the Local Lighthouse Authority (LLA), Tor Bay Harbour Authority is responsible for the provision of a comprehensive and well-maintained system of Aids to Navigation (AtoN) in the Harbour. AtoN are monitored to ensure correct operation and defects rectified as soon as reasonably practicable. Availability statistics are provided annual to Trinity House, which is the General Lighthouse Authority (GLA) for the UK, and mariners warned of defects by means of Local Notices to Mariners. In addition, AtoN are inspected annually by Trinity House

Related Documentation: **PANAR records**

7.3.2 Salvage and wrecks

It is left to the owner to organise salvage of small craft except where safe navigation may be affected. In such cases TBHC may use its powers to take possession of a vessel and arrange salvage. For large commercial vessels which strand or sink within the harbour, recovery measures will be supervised and approved as necessary.

The harbour may be requested to accommodate vessels salvaged by others eg RNLI, or if directed to do so by the Secretary of States' Representative for Marine Salvage and Intervention (SOSREP). All requests to accommodate Salvaged vessels will only be considered after a dynamic risk assessment has been completed by the Harbour Master or his nominated deputy.

If there is a wreck within the Harbour limits that is likely to become an obstruction or danger to navigation, TBHA will take all necessary steps including ensuring that it is lit and buoyed as required and a Local Notice to Mariners issued until it is removed with the minimum environmental impact commensurate with the operational need. TBHA also has the power to remove wrecks if the owner does not take adequate steps once so directed.

Related Documentation: **Annual returns to Trinity House**
                                            Trinity House Records of Inspection
                                            Admiralty Chart 26 (as corrected)
                                            Notices to Mariners (NtMs) and Local NtMs
                                            Survey Records
                                            Guidelines on the provision & maintenance of Local Aids to Navigation

7.3.3 Dredging

THBA undertakes maintenance dredging of areas within the estuary approximately when absolutely required to remove silt deposits which may pose a risk to the safety of navigation. TBHA does not hold a maintenance dredging disposal licence. Any capital or maintenance dredging that might take place is subject to MMO statutory consent.

Related Documentation: **Dredging Records**
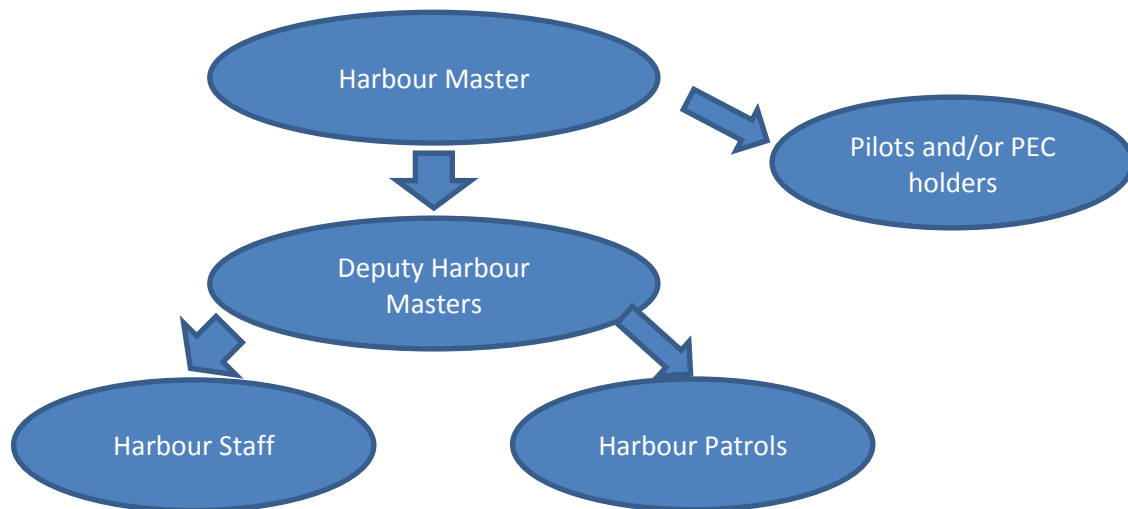
7.3.4 Management of Navigation

Figure 4 Management of Navigation

Torbay Council, through TBHC, has issued byelaws and other directions which every harbour user must obey as a condition of their right to use the harbour. The Council and its Harbour Master recognise their duty to assess risks and make proper use of powers to make byelaws and to issue directions (including pilotage directions) to regulate all vessel movements within harbour limits. These powers shall be exercised in support of policies and procedures developed in this SMS and should be used to manage vessel navigation.

Powers of direction shall be used to require the use of port passage plans in appropriate cases. THBC has clear policies on enforcement ad should monitor compliance of issued directions ad byelaws.

Passage plans are to be prepared on standard forms issued by the Pilot and agreed with the master of the vessel. A copy is to be filed at the offices of the shipping agents.

24-hour VHF radio cover is provided by the combined efforts of the Harbour Offices, Brixham security staff and the Pilot station. Reporting is mandatory as per Tor Bay Harbour Pilotage Directions.

TBHA does **not** provide a formal Vessel Traffic Service within the Harbour, instead choosing to provide a Local Port Service and provides information on request. This is **not** an INS Information Service as included within the IMO's definition of a VTS.

7.3.5 Pilotage

As the Competent Harbour Authority for Tor Bay harbour within the meaning of the Pilotage Act 1987, TBHA is the competent authority and accountable for the duty to provide a pilotage service. The necessity for the provision of a pilotage service is kept under regular review: the Harbour Board are annually requested to review the necessity to retain the status of Competent Harbour Authority.

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THBC therefore exercise control over the provision of the service which is fully integrated with other harbour safety services under their control, including the use of pilotage directions, and employment & training of pilots. TBHC has contracted the services of Marine & Towage Services Group Ltd to provide a pilotage service.
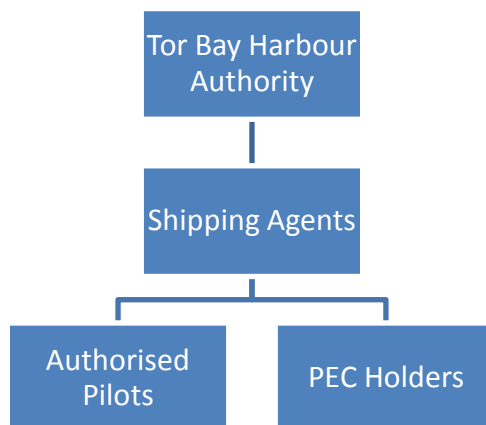
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│  Tor Bay Harbour    │
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Figure 5 Pilotage Organisation

Pilotage requirements are detailed in the Tor Bay Harbour Pilotage Directions and Pilotage Manual. SOP 28 – Pilotage and Defective Vessel Notification also applies.

Anchorages are specified for large vessels.

Related Documentation: **Tor Bay Harbour Emergency Plan**
Tor Bay Harbour Pilotage Directions
Pilotage Manual
Standard Operating Procedures

7.3.6 Towage

Towage within the harbour is provided by Marine & Towage Services Group Ltd. The staff operating pilot boats and harbour launches are experienced and suitably qualified to tow if necessary and towage guidelines have been published.

7.3.7 Bunkering and Cargo Transfer

Other than at an approved harbour fuel station, the Harbour Master's approval is required before bunkering operations take place. The Harbour Authority issues procedures for bunkering. For any bunkering at anchor or cargo vessels alongside, or vessels taking bunkers direct from road tankers - there is a checklist.

The Harbour Authority has various procedures in the Oil Spill Response Plan to control any oil cargo transhipment, following submission of a risk assessment.

7.3.8 Diving

Bye-Laws prohibit diving in the Bay without the written permission of the Harbour Master, who operates a 'permit to dive' system. Diving Permits are issued on receipt of:

- A generic risk assessment
- A generic dive project plan
- Divers qualifications
- First aid qualification
- Medical supervisors qualifications
- Divers medical certificate

When the diving permit is completed for the specific dive, any amendment to the generic risk assessment and the diving project plan or qualifications of additional divers are to be produced for the Harbour's retention. For professional divers, HSE Commercial Diving standards must be followed.

Copies of completed Diving Permits are retained in the Harbour Office for one year.

Related Documentation: **Diving Log**

7.3.9 Harbour Patrols

There are procedures for the safe operation of harbour launches based on the risk assessments. These can be found in the Standard Operating Procedures on the Harbour IT system. Maintenance documentation for each workboat is held in the Harbour Office(s).

Related Documentation: **Standard Operating Procedures**
Workshop maintenance records and documentation

7.3.10 Leisure Management

Moorings are allocated by TBHC and all berthing and mooring facilities owned and provided by TBHA are inspected annually and maintained as required. Maintenance records are held in the Harbour Offices.

Anchorages are specified for larger vessels.

Controlled areas with a seasonal 5 knot speed limit are provided to safeguard swimmers. Water ski approach lanes have been established at Elberry Cove and Livermead Sands.

Local Notices to Mariners and special directions are issued for events as required

Related Documentation: **Mooring Maintenance records**
Local Notices to Mariners
Harbour Byelaws

7.3.11 Security

Torquay Harbour is compliant with the International Ship and Port Facility Security (ISPS) Code to accommodate visiting cruise and other vessels greater than 500 GRT engaged in international voyages. A comprehensive Port Facility Security Plan has been developed and multi-agency exercises are held at least annually as required by the Code.

Each harbour benefits from a comprehensive and ICO-compliant recorded CCTV system which can be managed by both the harbour staff and the Council's CCTV team. Additionally 24-hour security is provided in Brixham harbour through a combination of Dockmaster staff and contracted security guards to deter and detect crime and other illegal activities.

Related Documentation: **Port Facility Security Plan**
                                  CCTV records (electronic)
                                  Incident Log

7.3.12 Workshop Operations

All workshop operations are subject to formal risk assessment and all activities should adhere to the Standard Operating Procedures on the Harbour IT system.

Related Documentation: **Standard Operating Procedures**

7.3.13 Fish Quay

Commercial shore-side fishing activities take place on the Fish Quay, which is designated a 'working area'. Access to the General Public is restricted and all operators must provide the Harbour Office with a comprehensive risk assessment for endorsement. These are held in the Harbour Master's office.

Related Documentation: **Third Party Risk Assessments and SOPs**

7.4   Contingency planning and emergency preparedness

The potential for accident and emergency situations is identified in the Risk Assessments. Procedures have been established to address our response to emergencies and are contained within the Emergency Logs held in each Harbour Office which provides staff with guidance on how to deal with a number of major incidents. These procedures have been designed to be compatible with Joint Emergency Services Interoperability Programme (JESIP) protocols

Each Safety Manager is responsible for:

- Ensuring that all accidents and incidents are investigated and recorded in MarNIS.
- Arranging emergency procedures to be exercised where practical

- Ensuring that the potential for incidents is reviewed annually.

Related Documentation: **Incident Log**
                                        Emergency File
                                        Training Log

7.5   Incident and emergency response

7.5.1   Procedure

All Harbour users and staff, visitors and contractors should report all matters of safety – including accidents, incidents and near misses – promptly to the attention of the Harbour Master. Reports will be used to help in assessment of the effectiveness of the SMS.

In the event of an incident occurring it will be graded according to the nature of the incident, number of casualties, environmental impact and the likely disruption to harbour activities:

Minor incidents are those that can be managed and resolved using the Harbour's organic capacity, resources and available staff, augmented as necessary by the Emergency Services eg ambulance.

Major incidents are those that are beyond the Harbour Staff's and Emergency Services ordinary capacity to manage without extensive mobilisation of additional equipment or personnel. Examples include:

- Death or serious injury;
- Extensive damage or contamination to the environment;
- Extensive damage to vessels or harbour infrastructure; and
- Serious disruption to the routine operating of the Harbour.

TBHA is a designated Category 2 responder under the Civil Contingencies Act 2004 and has a duty to share information with Category 1 responders and with other Category 2 responders as appropriate. It also has a duty to prepare and exercise emergency preparedness and response plans for the Harbour; and example being The Oil Spill Contingency Plan. Torbay Council, as a Category 1 responder, also has a number of emergency plans, which the TBHA has a duty to support where appropriate.

Related Documentation: **Emergency File**
                                        Torbay Council Major Emergency Response Guide
                                        Oil Spill Contingency Plan
                                        Devon Coastal Oil Pollution Plan

7.5.2   Command and Control (C2)

Minor incidents will be controlled at the scene under the command of the senior person present in the Harbour Office. For major incidents, Initial C2 will be effected from the Harbour Office and

routine administrative functions will cease. If the situation is unlikely to be resolved within one working day then a decision regarding the re-location of command and control functions will be taken to allow Harbour Office functions to resume. The pre-identified secondary C2 site is the offices within the Harbour Workshop and the tertiary C2 site is at the Fish Quay, although this will require hosting facilities to be erected. Movement to either the secondary or tertiary site will be the subject of a dynamic risk assessment and will only be made at an appropriate time within the incident management lifecycle.
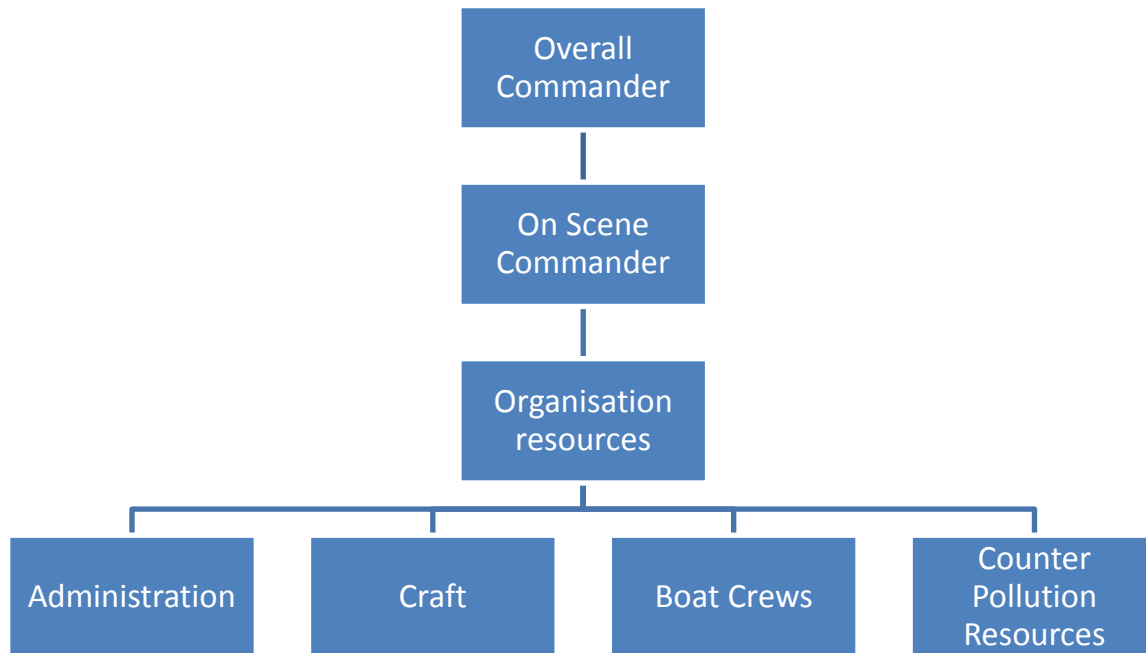

Figure 6 Emergency Organisation

7.5.3 Incident/Accident Investigation and Reporting Procedures

It is a statutory requirement that accidents involving or occurring on board any UK ship must be reported to the MAIB by the quickest possible means. However, accidents involving or occurring on board the following are exempt unless the accident involves explosion, fire, death, serious injury, capsize or serious pollution:

- a pleasure vessel
- a recreational craft hired on a bareboat basis
- any other craft (other than one carrying passengers) in commercial use in a harbour <8m in length

The quickest reporting method is via the accident reporting line 02380 232 527 and an Accident Report Form completed.

Related Documentation: **MarNIS**
                                  Incident Log
                                  Emergency File
                                  Accident Report Form

All accidents and incidents should be investigated by the Harbour Master or delegated to a member of the Harbour Staff to learn lessons to avoid future repetitions. The purpose of this investigation is not to apportion blame. For this reason, none of this evidence can be used in subsequent legal proceedings and this fact should be made clear to all witnesses so that they are not discouraged from coming forward.

If it appears that an offence has been committed then an entirely separate investigation will be conducted, under caution if required, but cannot refer to any of the evidence gathered in the former investigation. Evidence gathered during such an investigation must be collected, processed and preserved in accordance with the Police and Criminal Evidence Act 1984 (PACE) in order that it can be admissible in criminal court proceedings.

The Police will take primacy in any investigation involving death or crime. If someone dies in a work-related incident, a number of different organisations will require to work with the Police to ensure that the reasons for the death are understood. Different organisations have different but important roles in this process and good co-ordination is vital.

The legal framework for incident investigation is summarised in the *Memorandum of Understanding between the MCA, MAIB and HSE for health and safety enforcement activities* at the water margin and off-shore:

- The MCA is responsible for implementing the Government's maritime safety policy;
- The MAIB investigates accidents related to ships and crew;
- The HSE investigates land-based accidents,

8. Monitoring and Recording Standards

8.1   Procedure

To demonstrate the Authority's commitment to maritime safety and ensure the involvement of harbour users, the safety plan for marine operations shall be published every year at a TBHC meeting open to the press and the public and be available from the Harbour's web site.

The plan shall illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of shipping. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

The duty holder will also publish an assessment of the Harbour Authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, shall be used to support the analysis and conclusions.

8.2 Setting Standards

Standards will be set for operations in the following areas:

AREA	SET BY	REMARKS
Harbour Procedures & Operational Standards	Harbour Master	PMSC Guide to Good Practice refers Internal Procedures
Pilot Boat Operations	Pilotage Contract	MCA Code of Practice. Torbay & Brixham Shipping Agents are the current service provider.
Harbour Launch Operations	Harbour Master	MCA Code of Practice. Internal Procedures
Maintenance of Infrastructure	Harbour Master	Internal Procedures
Hydrographic Surveys	Harbour Master	UKHO
Procedures	TBHC	Part of Safety Management System
Financial Procedures	Torbay Council	Subject to Internal Audit

Performance indicators are to include the following:

AREA	SET BY	REMARKS
Navigation Lights Availability	Trinity House	PANAR SPAR.Net – reviewed annually
Reduce the number of reportable accidents including RIDDOR	Harbour Master	SPAR.Net - reviewed quarterly
Implement the SMS Improvement Plan	Harbour Committee	SPAR.Net – reviewed annually
Incident Investigation	Harbour Master	MarNIS – reviewed at each Committee meeting
Response to Complaints	Torbay Council	Corporate complaints procedure
Enforcement Activity	Harbour Master	Data recorded and details reviewed annually

8.3 Measuring Performance

A number of methods are employed to monitor performance. These include:

- Putting this and other documentation into the public domain so that our performance is subject to public scrutiny;
- Reporting against established Performance Indicators (PIs) at Harbour Committee meetings, to which the public are invited. Those pertinent to Safety and Environment include:

- o   Accidents (both public and staff)
  - o   Incidents (speeding, crime, collisions, mooring failures, groundings)
  - o   Pollution incidents
- Being subject to external assessment and report by:
  - o   The Designated Person (for Safety Management)
  - o   The MCA (for compliance with the PMSC, our oil spill contingency readiness and waste facility management)
  - o   Trinity House (as a General Lighthouse Authority)
  - o   The Environment Agency (for water quality and pollution incidents)
  - o   Natural England (for Blue Flag and Seaside Award status)
  - o   South West Water (for water quality during the bathing season)
- Proactive line management and oversight of activities

Related Documentation: **Harbour website**
Reports to the Harbour Committee
Audit Reports
Reports from external agencies and organisations

9. Corrective Action

9.1   Evaluation of compliance

The Harbour Master is responsible for managing the evaluation of compliance with relevant legislation and other requirements as listed above. Such evaluation is carried out during internal audits and by routine monitoring and inspection of relevant activities and sites. Evidence of evaluation is recorded and maintained by the Harbour Master.

9.2   Non-conformity, preventative and corrective action

Whenever non-compliance or potential non-compliance of work instructions results in (or is likely to result in) an incident then the following procedures will be undertaken:

a.   The Harbour Master/appropriate DHM will initiate corrective and/or preventive action which may include cessation of the activity.

b.   If the activity results in a possible problem for a neighbouring authority/business then that authority/business shall be contacted by the person in (a) above to advise them of the situation and to inform them of the corrective action being undertaken.

c.   Where an activity requires corrective action the person in (1) above shall determine the cause, restore compliance and ensure no reoccurrence of the detrimental activity.

d. Once the corrective action has been undertaken the Harbour Master will be required to assess any damage to equipment or the environment, calling upon specialist agencies if required.

If required, Standard Operating Procedures will be reviewed to ensure the incident does not reoccur.

10. Audit and Review

10.1 Procedure

TBHC will monitor, review and audit the efficacy of the SMS on a regular basis so that lessons are identified from relevant experience and are effectively applied.

Performance of the SMS will be assessed against internal performance indicators and where appropriate by benchmarking against other ports.
In light of these reports the Harbour Master and TBHC will review and where necessary amend working practices and make appropriate recommendations to Torbay Council.

The audit of the SMS is based on an annual cycle and is conducted by the Designated Person with additional staff as required. Performance of the system will be assessed against internal performance indicators and, where appropriate, by benchmarking against other ports that have adopted good practice. The review will be undertaken as follows:

- Quarterly internal checks by the Harbour Master;
- Annual external audit by the Designated Person, normally as part of the harbour inspection;
- Tri-annually the Duty Holder will report the harbour's compliance against the PMSC to the MCA.

The method used to collect the required information for the audit and review would be interview, consultation and SMS records. A synopsis of the audit results will be published in Harbour Committee meeting minutes.

10.2 Audit programme

10.2.1 The quarterly check by the Harbour Master ensures that policies and procedures are being correctly followed and compares the outcomes against standing performance indicators which have been set by the Duty Holder. The results are formally reported to the Harbour Board quarterly.

10.2.2 The annual external inspection by the Designated Person. The results of which are also reported formally to the Harbour Board, provide reassurance to the Duty Holder that a comprehensive and effective SMS is in place and being followed sufficient to meet our obligations under the Port Marine Safety Code.