

Salcombe Harbour Board – 1 February 2009**PORT MARINE SAFETY CODE****Report of Head of Service Salcombe Harbour****Statutory Powers: Pier and Harbour Order (Salcombe) Confirmation Act 1954**

Financial Implications: None in the preparation of this report other than officer time although there will be financial implications for the delivery of harbour safety improvements.

Purpose

To appraise Members on Salcombe Harbour Authorities' compliance with the Port Marine Safety Code.

Compliance with the Port Marine Safety Code is required to ensure Salcombe is a safe and efficient harbour which ultimately supports South Hams objectives of good jobs (CP2), retention of the district's character (CP3) a clean district (CP4) and value for money (CP6).

Recommendations**That the Harbour Board RESOLVES to:**

- a. **Note the report.**

Background

1. The Port Marine Safety Code (PMSC) was published in March 2000 and revised in October 2009 by Department of Environment, Transport and Regions (DETR) Ports Division. Its aim is to establish an agreed national standard for port marine safety and a measure by which harbour authorities can be held accountable for the legal powers and duties which they have to run harbours safely.
2. To audit Salcombe's compliance and advise on any changes, developments and safety issues, the Harbour Authority has appointed an independent designated person who reported in December 2009 that, in their opinion there is in place a safety management system which, if maintained actively, complies with the requirements of the PMSC, Enclosure 1.
3. During the Audit, the Harbour's Safety management System has been updated to Issue 7 dated 14 December 2009. The complete revised document is at Enclosure 2.
4. This report summarises the observations, recommendations and advice of Mr P Nicholson of Nicholsons Risk Management the independent designated person appointed to review of the Harbour's safety management system.

Questions posed and comments of the Independent Designated Person

5. Have there been any significant changes in the activities in the Harbour?

- There have been no fundamental changes, just a continuation of past trends trends:
 - The number of visiting yachts is falling although numbers were up in 2009.
 - Generally visiting vessels are getting bigger, but there are fewer large powerboats.
 - There are more day boats and they have increasingly powerful engines.
 - The dinghy regattas flourish.
- The old Visitors' Pontoons have been temporarily deployed on the unused house boat moorings on the Dentrige.
- Victoria Quay has been re-piled.
- The new Batson Pontoon will be ready for the 2010 season.
- Reported crime was down on the previous year.

6. Accidents and Incidents

- There were no fatalities or major accidents in the harbour in the past year.
- There were four accidents to the public of note:
 - A passenger disembarking from the East Portlemouth ferry fell into the water.
 - A RIB driver, who was not attached to a kill cord, fell overboard. ICC Managed to stop the RIB causing injury or damage.
 - The skipper of a boat being towed off the mud suffered rope burn.
 - A trailer came off its vehicle and ran down the slipway, crashing into a boat that was being launched, causing minor injuries
- The measures taken to avoid a reoccurrence have been to brief staff of correct procedures and to improve signage to make the public aware of the dangers.

7. Changes in organisation, staffing or controls?

- The organisation is unchanged.
- The recommendation of the Boundaries Commission is that South Hams be part of a Devon Unitary Council.

8. Are there any new concerns that have been raised?

- Some customers have not welcomed the enforcement of the residency qualification criteria for the allocation of moorings.
- The dangers of the Yacht Taxi landing at East Portlemouth. The service is sometimes cancelled in bad weather.

9. What changes in standards expected or in legislation?

- The Port Marine Safety Code has been reviewed by the Department for Transport and a new version published. The Port Marine Safety Code Compliance Document for Salcombe Harbour Authority has been reviewed and revised accordingly. There are few significant changes, just more emphasis on transparency, investigations, benchmarking and publication of policies and reviews.
- It is still proposed to introduce alcohol limits for non-professional mariners.
- Legislation is being proposed to extend the definition of a “ship” to include all types of watercraft in the provisions applying to safety, conduct endangering ships, structures or individuals and drugs and alcohol offences.
- The new Marine and Coastal Access Bill may have an impact on Salcombe Harbour in years to come.
- The EC Water Framework Directive will require each water body to achieve Good Economic Status, Good Ecological Status and, where appropriate, Good Ecological Potential.

10. Review each of the risk controls listed.

- There has been a detailed review and update of control measures and a sample test of controls and procedures.

11. Review and where necessary revise each risk assessment.

- All risks appear to be covered within the existing risk assessments.
- All the risk assessments were reviewed, amended where necessary and signed off by the Harbour Master on 9 December 2009.
- The updated list of safety control measures will need to be incorporated in each risk assessment and the plan is to do this at the time of the interim audit next summer.

12. Review and record of implementation of each of the risk controls listed.

There has been a detailed review of control measures and a sample test of controls and procedures successfully completed.

13. Are the “customers” requirements being satisfied?

- In the Opinion Meter Survey 85% considered Salcombe to be a safe harbour. Previously the response had been 75%.
- There have been healthy debates with each of the four groups recognised as ‘Harbour Community Forums’ and constituting the formal consultation mechanism for the Harbour Board, The Salcombe and Kingsbridge Estuary Association, The Salcombe - Kingsbridge Estuary Conservation Forum, The Kingsbridge Estuary Boat Club and The South Devon and Channel Shell Fishermen.
- Records of complaints and compliments.
There was no consistent theme within the 17 complaints lodged, and they include complaints of antisocial behaviour by the public.
- There have been 31 complimentary letters.
- Performance Indicators. For the third year a set of local performance indicators has been used as an assessment of SHA’s performance. Among these Performance Indicators 19 may relate to safety issues:

- Visual checks of pontoons, berths, marks, beacons etc,
 - Prompt repairs
 - Launch serviceability
 - Crane, barge, forklift and van serviceability
 - Slipway inspections
 - Navigation lights
 - Patrol for hazards
 - Moorings- preventative maintenance
 - Moorings – failures
 - Weather forecast displayed
 - PMSC compliance
 - Trinity house compliance
 - Incidents and accidents
 - Speeding
 - Minor collisions
 - Crime
 - Night security patrols
 - Water quality
 - Litter collecting and refuse recycling
- The records show good achievement against most targets, but any accident and any complaint is regarded as a shortfall from target.
 - There was one harbour deepwater mooring that failed. The block pulled out of the mud and the vessel dragged to the shore. There were multiple failures of foreshore mooring licences. There needs to be better maintenance of mooring licences. To this end, customers with a mooring licence are being asked to confirm that the mooring tackle has been inspected and maintained where necessary.

14. Where actions were identified last year to bring the risks to as low as reasonably practical (ALARP), what has been completed?

- Batson Creek has been dredged.
- Continuing to press the Yacht Club to encourage adequate personal buoyancy to be worn by all competitors in boats that could capsize, including yawls. Articles in the Salcombe Harbour Newsletter (sent to every mooring holder) and in Yawl Magazine. Next year there will also be mention in the Harbour Guide.
- Continue to seek ways of informing and educating harbour users on safety issues, such as wear lifejacket, don't drink and drown and the dangers of venturing outside the harbour.
- The new slipway signage in the RNLI format has been erected.
- MCA's Safety Afloat cards and a voluntary code of best and safe practice for leisure craft users are available from the Harbour Office desk.
- The need for a barrier to safeguard the public from falls off the quay and onto the slipway outside the Harbour Office was raised with the Council's Health and Safety Panel, whose Chairman is the Leader of the Council. He directed the Council's Safety Officer to assess the risk and take the necessary action. This issue will be considered again within the proposals for changes in Whitestrand and Normandy pontoons.
- There is a safety topic for each of the eight staff briefings throughout the year.
- The safe working practice of mooring operations has been reviewed by Briggs Marine and Environmental Services.

- It has been decided not to issue licences to operators to hire beach floats or to sit on paddle canoes.
- The issue of whether there should be an area for water skiers within the harbour when it might be dangerous to go outside to Starehole Bay was brought to a head when the Board considered the possibility of a trial at the entrance to Southpool Creek.
The decision was that Salcombe Harbour was not an appropriate place for water skiing and that no trial would take place.

15. Policy of continuous improvement to bring the risks to As Low as Reasonably Practicable (ALARP):

- Commission Batson pontoons.
- Install public landing pontoons at the head of Frogmore Creek.
- Dredge Kingsbridge basin, access to Winter Boatyard and the Batson Creek channel.
- Improve berthing at Kingsbridge by using recycled pontoons.
- Enforce the mooring policy allocating moorings to those who pay local Council Tax.
- Publish the Port Marine Compliance document on the Salcombe Harbour web site.
- Consult with the public over the options for improving the Whitestrand and the Normandy pontoons, with a view to placing contracts in 2011 and building in 2012.
- Customers with a mooring licence are being asked to confirm that the mooring tackle has been inspected and maintained where necessary
- Training:
 - Bring the training records up to date.
 - Find a practical way of refreshing First Aid training.
 - Carry out advanced training in workboats.
 - Method Statements: Review, sign off, date by HM and check that employees have recorded that they have read and understood those relevant to their activities.
- Apply the updated list of safety controls to each risk assessment.
- Continue to seek ways of informing and educating harbour users on safety issues, such as wear lifejacket, don't drink and drown and the dangers of venturing outside the harbour.
- Continue to press the Yacht Club to require adequate personal buoyancy to be worn by all competitors in boats that might capsize, including those sailing yawls.
- Publish articles in Magazines and Harbour Guide.
- Batson Creek car park's use for winter boat park to be reviewed by the Council's Policy and Development Group.
- If the Jubilee Pier is taken out of commission to enable repairs to be completed, manage the increased traffic at Whitestrand during construction works.
- Consider creating a buoyed channel to replace Black Rock Beacon.

Value for Money

16. Delivering Value for Money is one of the Harbour Board's Core Principals and the maintenance of a safe harbour is fundamental to this.

Risk Assessment

Opportunity	Issues / Obstacles	Benefits
Compliance with the Port Marine Safety Code is Audited by an independent designated person.	Without an independent audit, Salcombe could fail to recognise and implement changes in legislation that affect small leisure ports.	Compliance with the Port Marine Safety Code will provide a safe foundation for the delivery of a safe, effective and efficient service to harbour users. The use of an independent designated person allows Salcombe's performance to be bench marked against other ports and meets the requirements of the DfT.

Conclusion

17. Salcombe Harbours is currently compliant with the requirements of the PMSC. Maintaining a safe harbour, operating an effective safety management system and ultimately compliance with the PMSC is essential if Salcombe Harbour is to continue to be a safe place for harbour users to enjoy and work from. Continuing to satisfy the requirements of the PMSC requires constant work and attention from all Harbour Authority personnel and stakeholders.

Ian Gibson
Head of Service Salcombe Harbour

Salcombe Harbour Board
1 February 2010

Background Documents:

Department of Transport Port marine safety Code dated October 2009

Enclosures:

1. Salcombe Harbour PMSC compliance statement.
2. Salcombe Harbour Safety management System Issue 7 dated 14 December 2009.