

Salcombe Harbour Board – 26 January 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 note the report.

Background

1. The Port Marine Safety Code (PMSC) was published in March 2000 by Department of Environment, Transport and Regions (DETR) Ports Division. Its aim was 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 2008 that, in their opinion there is in place a safety management system which, if maintained actively, complies with the requirements of the PMSC.
3. 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

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

There are some gradual trends:

- The number of visiting yachts is falling.
- There are fewer large powerboats.
- There are more day boats and they have increasingly powerful engines.
- The dinghy regattas flourish.

There has been a bye-law modification introducing six knot speed limit zones.

The Visitors' pontoon has been replaced.

5. Accidents and Incidents

There were no fatalities or major accidents in the harbour in the past year.

There were a number of minor incidents but of greater concern were the four near misses:

- A yacht crew borrowed a tender from Whitestrand to return to their yacht which sank and resulted in the crew swimming to the nearest buoy/boat where they took refuge until they were rescued by a passing fisherman several hours later.
- A powerboat towing a donut outside the harbour limits endangered swimmers.
- A trailer ran away down the public slipway.
- A boat owner fell overboard when getting into his dinghy.

6. Changes in organisation, staffing or controls?

The organisation is unchanged with just a few changes in personnel.

There is the possibility that South Hams District Council will form part of a Devon Unitary Council.

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

- The risks involved with the yacht taxi landing to East Portlemouth.
- The Batson Pontoon replacement project, in particular the method of securing the pontoons.
- The availability of moorings for boatyards.
- The level of Marine Crime.

8. What changes in standards expected or in legislation?

The MAIB, following the investigation into the Flying Phantom accident (loss of a tug on the Clyde), has repeated its recommendations to UK ports that they learn lessons from accidents at other ports.

Further guidance is being prepared, for a revised draft of the Port Marine Safety Code, on how to conduct risk assessments and to run safety management. The Safety Management System of Salcombe Harbour Committee already complies with the standards being proposed.

Government still propose to give statutory authority to the requirement that non-professional mariners, with certain exceptions, should be bound by the same alcohol limits and alcohol testing regime that now apply to professional mariners. This will be welcomed by the Marine Accident Investigation Branch and by Salcombe Harbour.

9. Review and where necessary revise each risk assessment.

All the risk assessments were reviewed, amended where necessary and signed off in November 2008 by the Harbour Master.

10. Are any additional risk assessments needed?

All risks appear to be covered, one way or another, within the existing risk assessments.

11. 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.

12. Remove ineffective or introduce new controls?

Information and education is seen as a key control. Information signs, to the new RNLI standard, have been ordered for the public slipways.

13. Are the "customers" requirements being satisfied?

- Continuing Consultation Process

Four groups are recognised as 'Harbour Community Fora' and constitute the formal consultation mechanism for the Harbour Board, The Salcombe Kingsbridge Estuary Association, the Salcombe Kingsbridge Estuary Conservation Forum, the Salcombe Kingsbridge Estuary Boat Club and the South Devon and Channel Shell Fishermen

- Records of Complaints.

There was no consistent theme within the complaints received.

- Performance Indicators.

Within the Performance Indicators measured by the Harbour, 19 may relate to safety issues. The records show good achievement against most targets. One item of concern is the number of failures of mooring pick ups, which are supplied by the customers.

14. Where actions were identified last year to bring the risks to as low as reasonably practical (ALARP), have they been completed?
- a. Residents' pontoon piling: Work started in October and the pontoons were commissioned for the start of the 2008 season.
 - b. Further improvements have been made to slipway safety with a floating pontoon and gangway alongside the Batson slipway.
 - c. Notices have been posted urging boat owners to use their own hoses rather than the Harbour's, which might have had water left in the hose in hot weather.
 - d. A set of specific procedures has been drafted for activities with significant risks.
 - e. Staff receive annual checks of the safety and usage of their personal protective equipment.
 - f. Information for Control of Substances Hazardous to Health has been improved.
 - g. Training records now cover manual handling, working at height and use of personal protective equipment.
 - h. The training record now includes the training syllabus of training completed.
 - i. Reduction of the speed limit from 8 to 6 knots was approved by DFT and is included in the new byelaws.
 - j. "Leading Lights" accreditation awarded for compliance with Municipal Ports Review.
 - k. There has been an engineering consultancy report on the Ferry Steps and SHDC plan is to carry out the work in the Winter of 2009/10
 - l. There has been a fire inspection and a training exercise with Egremont to test the emergency plan reviewed in spring 2007. Following a further review in June 2008 the Fire Brigade revised their instructions.
 - m. A new Night security contractor has been appointed.
 - n. The Yacht Harbour Association Code of Practice has been used as the basis for rules and procedures for boat storage at Batson car park.

15. Policy of continuous improvement:

- a. Dredging of Batson Creek is planned for winter of 2008/09. Permission is being sought from Natural England to employ Water Injection Dredging.
- b. Review of buoyage at harbour entrance, following informal discussions with Trinity House.
- c. Continuing to press the Yacht Club to require adequate personal buoyancy to be worn by all competitors, including those sailing yawls. Articles in Yawl Magazine and Harbour Guide
- d. 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 [MAIB report, Whitby].
- e. The Council's asset maintenance department have been reminded of the need for a barrier to safeguard the public from falls off the quay and onto the slipway outside the Harbour Office. Some but inadequate edge protection has been provided.
- f. Add a safety topic a month to staff briefings throughout the year.
- g. Add the method statements 1-13, for refresher instruction, to the training matrix.

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
26 January 2009

Background Documents:

Salcombe Harbour Board Safety Management System Issue No 6 dated December 2007 updated December 2008.