



ABP Group Port Marine Operational Procedures Manual (2015 – Version 4)



Group Port Marine Operational Procedures Manual Overview of the ABP Marine Safety Management System

The ABP Port Marine Safety Management System (MSMS) framework is intended to provide the foundation for ensuring individual ABP Ports and Harbours consistently and appropriately address the requirements of the Port Marine Safety Code (PMSC). The complementary ABP Marine Policies define the organisation and arrangements that ABP has established to monitor, promote and proactively manage Port Marine Safety.

This document, which is a key part of each port's Marine Safety Management System, describes how the ABP Marine Policies will be effectively implemented at Group level. It is intended that this document be adopted by all ports within the ABP Group. Each port will supplement this top level document with a Local Operational Procedures Manual, and other port specific operational manuals, plans and record keeping as required.

Version 4 of this document reflects changes resulting from the updated Port Marine Safety Code, and supporting Guide to Good Practice, both published in March 2015, and which should be read in conjunction with this document.

This version also adds additional procedures and best practice which should be adopted by all ABP ports, and incorporates advice and action resulting from the findings of both internal (ABP) and external (KPMG and MCA) audits.

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1. Introduction - Background to Port Marine Safety

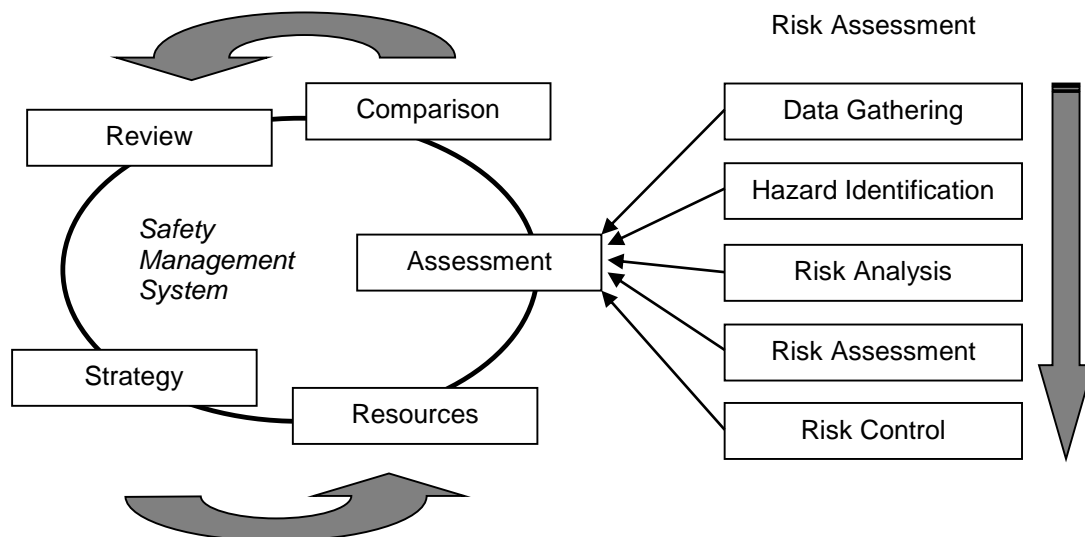
Associated British Ports has responsibility as Statutory and Competent Harbour Authority for 21 Ports, as well as the Humber Estuary. This Group Port Marine Operational Procedures Manual has been produced to facilitate a consistent and clear commitment to marine safety, as required to comply with the Port Marine Safety Code, across the diverse range of ports.

The Marine Safety Management System has been developed in line with both the requirements of the Port Marine Safety Code and the supporting Guide to Good Practice which are regularly updated by the Department for Transport.

The Code has established a national standard for every aspect of port marine safety. It aims to enhance safety for those who use or work in ports, their ships, passengers and cargoes, and the environment.

This Group Port Marine Operational Procedures Manual has been conceived as a high level document intended to describe the overall framework for the management and co-ordination of all marine activities necessary to ensure safe marine navigation. It aims to bring together ABP Marine Policies and Navigational Safety Systems, so that they may be applied consistently across all of the Group Ports.

The Port Marine Safety Code relies upon the principle that all Harbour Authorities will base their policies and procedures, relating to marine operations, on a formal assessment of hazards and risks; and that they will maintain a formal safety management system developed from that risk assessment.



1.1. Port Marine Safety Code Requirements

The Code refers to some of the existing legal duties and powers that affect harbour authorities in relation to marine safety, but it does not – in itself - create any new legal duties for harbour authorities. There are however several additional measures which, although not mandatory under legislation, are key to its successful implementation. In order to comply with the Code therefore, harbour authorities must:

- Be aware of their existing powers and duties;
- Appoint someone as an independent ‘designated person’ with direct access to the board;
- Develop an effective marine safety management system, which employs formal risk assessment techniques;
- Employ people who are competent and qualified for the positions they hold;
- Publish a comprehensive safety plan, along with a regular assessment showing the authority’s performance against the plan.

The Code is based on 3 general principles:

- A harbour authority has statutory and non-statutory duties.
- These duties include an obligation to conserve, and facilitate the safe use of, the harbour; and a duty of care against loss caused by the authority's negligence.
- Duties to ensure the safety of marine operations are matched with general and specific powers to enable the authority to discharge these duties.

The code also identifies who is accountable for maritime safety in harbour waters and their approaches, based on the following general principles:

- The duty holder, on behalf of the harbour authority is accountable for managing operations within the port safely and efficiently.
- Harbour authorities should make a clear published commitment to comply with the standards laid down in the Code.
- The Code represents the national standard against which the policies, procedures and performance of harbour authorities may be measured.
- Executive and operational responsibilities for marine safety must be clearly assigned, and those entrusted with these responsibilities must be answerable for their performance.
- A ‘designated person’ must be appointed to provide independent assurance about the operation of its marine safety management system. The designated person must have direct access to the board.

In practice compliance may include, but not be limited to, the following:

- Making risk control the basis of all marine activities, procedures and regulations applied to or required of port users.
- Using risk assessment to identify the requirement for navigation aids.
- Applying risk assessment to all harbour works.
- Periodically reviewing the provision of safe anchorages.
- Maintaining systems to implement the findings of risk assessments.
- Identifying and designating safe pilot boarding and landing areas.
- Applying and adhering to current pilot transfer arrangement regulations.
- Reporting deficiencies on visiting vessels.
- Providing procedural advice for giving Directions in relation to dangerous vessels or substances.
- Regulating the use of harbour craft and ensuring powers are sufficient to govern the mooring of vessels.
- Maintaining and developing a competence based training scheme to support delivery of all marine functions.
- Maintaining appropriate plans and procedures for emergency response and associated training/exercises.
- Using verification & audit systems.

Appendix 3 - ABP PMSC Compliance Checklist, lists key requirements of the PMSC in more detail, and illustrates how ABP may be assured of compliance in each cross-referenced aspect of the code. This provides the framework for internal compliance audits.

1.2. Marine Safety Management System Components

ABP's Marine Safety Management System (described by this document) will be regularly reviewed and updated in line with good practice, and to reflect experiences and lessons learned both within ABP and reported by other Ports and organisations (for example MAIB reports).

Due to the considerable diversity of ports within the ABP group, there may be variations in (for example) the numbers of plans or operational procedures that are appropriate for each location. However, the MSMS will seek to ensure that the requirements of the PMSC are consistently achieved across all the ABP ports.

Appendix 4 - Marine SMS Overview - provides a summary of the ABP MSMS components in a simple graphical format, summarising the key components and supporting elements that together form a complete MSMS underpinning compliance with the Code.

A complete port MSMS will describe the operational and administrative activities of the local *Marine Department*. Typically this will include some or all of the following responsibilities:

- Harbour Master
- Pilotage
- Vessel Traffic Services / Local Port Services
- Hydrography and Dredging
- Conservancy Management
- Emergency planning
- Marine Services

These functions may be facilitated by a number of documents and activities, for example:

- Navigation and Marine Policies
- This Group Port Marine Operational Procedures Manual
- A Local Port Marine Operational Procedures Manual and Marine Policy
- Navigation Management Teams
- Hydrographic / Conservancy teams
- Risk Assessment and Control Measures
- Risk Assessment and Incident Management System (MarNIS database)
- Staff involvement and consultation (internal meetings and systems)
- Stakeholder involvement and consultation (external meetings and systems)
- Records and Controls
- Audit and Review

The typical individual port MSMS is likely to comprise of at least some of the following set of documents. These are discussed in more detail in the remainder of this document.

- ABP Marine Policies
- This Group Port Marine Operational Procedures Manual
- The ABP Marine Safety Plan, and continuous Improvement Plan

- A local Port Marine Operational Procedures Manual and Marine Policy
- Port navigation guidelines / operational manuals
- Pilotage directions
- Fatigue Management Plans (Pilot and other staff rest periods)
- VTS operations manual
- LPS operations Manual
- Towage guidelines
- Staff training records
- Operational risk assessments and review records (MarNIS)
- Information for leisure / non commercial port users
- Local notices to mariners
- Tide tables
- Local Harbour Act
- Local Byelaws
- Oil spill contingency plan
- Marine emergency response plan
- Records of Stakeholder consultation

Note some ports may not require all of the above, while others may require additional elements in their local MSMS, which should include a clear list of all documents making up the total Marine Safety Management System for the individual port.

2. Accountability - ABP Marine Policy

ABP publishes a Marine Policy, the current version of which can be found on the Company web site: <http://www.abpmarine.co.uk>

The ABP Marine Policy aims to demonstrate our commitment to the safe and responsible operation of our ports and harbours by detailing areas of primary concern (which are closely based on the requirements of the Port Marine Safety Code). Linked to this policy, ABP as a ports group has developed this over-arching Group Port Marine Operational Procedures Manual, describing how the policy will be implemented at high level. In addition, each ABP port and harbour has prepared plans detailing the manner in which this policy is to be locally implemented.

2.1. *ABP as Harbour Authority (PMSC section 2)*

ABP is ultimately owned by ABP (Jersey) Limited, a limited liability company incorporated in Jersey. However, under Part II of the Transport Act 1981 ABP is controlled by Associated British Ports Holdings Ltd (ABPH), a company formed by the Secretary of State. The directors of ABP (of which there must not be less than five, nor more than thirteen) are appointed by ABPH, but ABPH has no power to give directions to the directors of ABP in respect of the execution of their powers and duties as a Harbour Authority. The directors of ABP while acting in their capacity as Harbour Authority are therefore the “Duty Holder” as defined by the Port Marine Safety Code.

ABP is the Statutory and Competent Harbour Authority for the following ports and harbours, although the precise nature of the arrangements varies according to local circumstances:

Ayr	Goole*	King’s Lynn	Southampton
Barrow	Grimsby*	Lowestoft	Swansea
Barry	Hull*	Newport	Troon
Cardiff	Humber	Plymouth	
Fleetwood	Immingham*	Port Talbot	
Garston	Ipswich	Silloth	

(* ABP is not a CHA in these ports)

In addition Teignmouth Quay Company Ltd. (a wholly owned subsidiary of ABP) is the SHA and CHA for Teignmouth Quays, and the Directors of that company (who are also directors of ABP as defined above), are the “Duty Holder” for Teignmouth Quays. Meetings of the Teignmouth Quay Company SHA take place concurrently with those of ABP, and the company has adopted the same Marine Policy and MSMS as all other ABP ports.

The Directors of ABP as a Harbour Authority are therefore the “Duty Holder” as defined by the PMSC for all of the ABP ports listed above.

The “Designated Person” is generally the ABP Marine Advisor, but this role will be designated in each port’s local MSMS document.

The Harbour Authority organisation is illustrated in section 2.7 of the Marine Policy document.

The Harbour Authority has developed and adopted a “Constitution” clarifying the duties and roles of the Harbour Authority members (collectively and individually) when acting as Duty Holder. The Harbour Authority members are responsible as a body for ensuring that ABP is compliant with all the requirements of the PMSC, and any other statutory responsibilities. In this regard the ABP Director - Compliance has an equal responsibility in common with all Directors.

For practical operational and commercial purposes, however, the Marine Advisor will work closely with the Compliance Director and other compliance functions including Health and Safety, Environment, Security and Quality to ensure consistent and efficient compliance in all marine functions.

The Harbour Authority Constitution is appended as Appendix 13

2.2. ABP Policies and Plans

ABP Publishes a Group Marine Policy, which refers to other group level policies such as marine training and VTS.

As required by the Port Marine Safety Code, ABP has also developed a Marine Safety Plan. This plan sets out specific targets to improve marine safety at all Group Ports, and progress against the Marine Safety Plan is reported to the duty holder in writing at every Harbour Board meeting. The Marine Safety Plan is kept under review as targets are met and changes or additions suggested by the Marine Advisor are approved by the Board as required so that the refreshed plan can be implemented. However, the ABP Board also believe that compliance with the Port Marine Safety Code requires a culture of Continuous Improvement, and they have therefore also adopted an ongoing Continuous Improvement Plan which supports the Marine Safety Plan. Both documents can be found on the Marine Section of the company Intranet.

Group plans and policies are approved by the ABP Board, and communicated to staff, port users and other interested parties by appropriate means (for example email, web sites / company intranet).

The ABP marine policy is supported at each location by specific local plans and policies. (See section 1.2,

Marine Safety Management System Components)

These are primarily to facilitate the statutory duties of the Statutory Harbour Authority in respect of:

- The regulation of traffic and the safety of navigation within the limits of ABP's ports and harbours.
- The conservancy of ABP's ports and harbours.

The local plans therefore enable the Harbour Authority to:

- Monitor the safe arrival, departure and movement of vessels within ABP's ports and harbours;
- Protect the general public from dangers arising from marine activities within ABP's ports and harbours;
- Prevent acts or omissions that may cause personal injury to ABP's employees or others.

Other local plans that may be required include emergency response & oil spill response plans. Such major contingency plans are likely to be prepared in co-operation with other agencies, but it is expected that the Harbour Authority will take the lead role in connection with navigational safety and harbour conservancy matters.

Local plans and policies are developed by the relevant marine team on behalf of each Harbour Master, with support from the ABP Marine Advisor's office. This will include consultation with relevant stakeholders through locally established mechanisms (port user groups, for example).

All plans and policies are subject to periodic review and updating.

2.3. Commitment Statement

The following statement has been published by ABP on the [corporate web site](#):

“Associated British Ports (ABP) is the Statutory and Competent Harbour Authority for 22 separate ports and harbours located around the UK. The breadth and depth of knowledge and experience that comes from managing these ports and harbours enables ABP to play a leading role in the ongoing development of the Port Marine Safety Code.

The Port Marine Safety Code, which was last revised in March 2015, serves to highlight the responsibilities that are allied to being a Harbour Authority and establishes a requirement for all Harbour Authorities to formalise their procedures.

In publishing the ABP Marine Policy we aim to demonstrate our commitment to the safe and responsible operation of our ports and harbours by detailing areas of primary concern and bringing transparency to our work. Linked to this policy, each ABP port and harbour has prepared plans detailing the precise manner in which this policy is to be implemented.

We have well established reporting procedures and performance targets; and have a designated person to provide assurances that the ABP marine safety management systems are working effectively. We have a clear system for auditing and reviewing our performance against this policy.

By implementing this policy, ABP continues to build upon its known track record of safe and efficient operations, while endeavouring to identify further opportunities to improve that record whenever and wherever we can.”

3. Measures for Compliance

The current version of the Port Marine Safety Code (March 2015) clearly defines the key measures needed for compliance. The following sections describe how ABP ensures that port marine operations meet those standards required by the PMSC, and that have been committed to in the ABP Marine Policy document.

Cross-references are provided to relevant sections of the current revision of the Port Marine Safety Code

3.1. Review Existing Powers (3.3 – 3.5)

Each Local Port Marine Operational Procedures Manual describes local powers and their derivation. Local operational and navigation plans describe how the statutory harbour discharges its responsibilities under relevant general and specific duties and powers (Chapters 4 and 5 of the Port Marine Safety Code) ABP will ensure that these powers, and local byelaws are kept under review and fit for purpose at each port, by providing suitable legal advice and support to each Harbour / Dock Master. Each ABP location has a summary of local powers (and the legislation those powers arise from) which was prepared by Winkworth Sherwood in 2015 (available on the ABP Intranet). In consultation with Group Legal Counsel, these powers will be kept under review, and where necessary new powers sought when appropriate (for example, powers of Harbour Direction). When necessary and following regular review, consideration will be given to replacing byelaws, seeking additional powers, or amending existing powers through application for appropriate Harbour Revision Orders. All such reviews would require formal approval to proceed from the Harbour Board members.

3.2. Formal Risk Assessment (3.6 – 3.8)

Although risk assessment methods have been widely adopted in ABP Ports for a number of years and systems were well established, the introduction of the PMSC in 2000 provided the opportunity for a complete re-assessment at all ports. The formal re-assessment presented a new baseline which, together with the recommendations made at that time, and subsequent recommendations arising from proactive and reactive reviews of hazards and risk control methods, forms the basis of the ABP Marine SMS.

Since 2009, risk assessments at all ABP ports have been further reviewed and transferred to a standard database system, known as MarNIS.

Formal risk assessment, and reduction of risk to the lowest level reasonably practicable (ALARP) is so fundamental to the PMSC and the ABP Marine SMS, that the process, and the MarNIS system, is described in detail in sections 6 and 7 of this document.

3.3. Implementing the Marine SMS (3.9 – 3.12)

Each local port MSMS includes reference to the policies and procedures necessary to ensure a port:

- Maintains proper control of shipping movements
- Protects the general public from dangers arising from marine activities
- Has regard to possible environmental impact
- Prevents acts or omissions which may cause injury to employees or others.

Furthermore, the local MSMS will

- Confirm roles and responsibilities of key personnel (Including those responsible for matters such as hydrography, conservancy, environmental protection, etc.)
- Outline present procedures for maritime safety (by reference to one or more local operational manuals)
- Measure performance against targets (for reporting to the Harbour Authority on a quarterly / annual basis)
- Refer to emergency plans

The local MSMS is subject to ongoing review:

- As a result of incidents leading to reviews of risk assessments and controls, which impact on the implementation of the MSMS
- Every two months, as Navigation Key Performance Indicators are assessed and reported to the ABP Board
- Every three years a comprehensive review of PMSC compliance will be completed, including a review of the MSMS document, as well as assessments of individual port audits, marine policies, procedures and Marine Authorisations. This will enable the Duty Holder to confirm compliance with the PMSC to the MCA when requested. (see section 3.11)

Reviews will also take account of external information from neighbouring competent and statutory authorities, examples of best practice from other ports and organisations, and other relevant reports (for example MAIB Investigations)

3.3.1. Reviewing the MSMS and use of Marine Advisor Notices

The Marine Advisor will make best endeavours to ensure that ABP is aware of any changes to legislation, new guidance or availability of new examples of best practice. This will be achieved by means of (but not limited to):

- Subscription to government alert services
- Attendance at appropriate national meetings including
 - Port Marine Safety Code Steering Group (MCA)
 - UK Safety of Navigation Committee [UKSON] (MCA)
 - Marine and Pilotage Working Group (UKMPG)
- Monitoring MAIB investigations and reports
- Reviewing official reports, such as MCA annual summary of health checks
- Attendance at relevant industry events (e.g. UKHMA seminars)

Whenever new guidance or procedures should become necessary, the Marine Advisor will disseminate these by appropriate means. For non-safety critical amendments or advice, this will most likely take the form of incorporation in the MSMS documents during the review process described above. The issue of new procedure or policy will be accompanied by a Marine Advisor's Notice to ensure record of receipt and implementation at each location.

However, in the case of safety or compliance critical information (Where safety of life may be impacted, or ABP could fail to meet regulatory or statutory requirements if immediate action not taken), the Marine Advisor will issue a formal "Marine Advisor's Notice" at the earliest opportunity. This will require specific action within a fixed time period and a formal response confirming the action has been taken.

Reasons for issue of a Marine Advisor notice will include:

- Any action or request requiring confirmation from all group Dock /Harbour Masters
- Lessons learned from *marine* incidents leading to improvements which should be adopted at ALL ABP ports
- Best practice identified through ABP or KPMG audit, or from an MCA Health Check in one ABP port, which should be adopted by all ports.
- Any matters relating to marine safety equipment.
- Notification of new or revised ABP Marine Policy
- Notification of new or revised marine legislation or national policy
- Marine safety notices produced by other organisations, if appropriate to ABP
- MAIB or PSS safety flyers – if not already covered by other methods of dissemination
- Any other information which should be available to ALL ABP ports.

All Marine Advisor Notices will be immediately issued by email to individual Dock and Harbour Masters and their nominated representatives. In addition all current and past MA Notices will be made available on the ABP Intranet in the marine section. The Marine Advisor will maintain a record of all notices issued, and responses received.

3.3.2. Confirming the MSMS is Available and Understood

All ports must implement a documentary system to ensure that all Port Marine Employees have access to relevant parts of the MSMS, and receive updates as and when they are made. There must be some form of evidence that relevant employees have received and understood the MSMS and updates. This may take the form of signature sheets, or evidence of attendance at a Tool Box talk where the new documents or updates are introduced and explained.

3.4. Consultation (3.13)

Each port describes in a local operations manual, their arrangements for consultation with port users and stakeholders. Typically this includes regular meetings with customers, leisure users, and port marine service providers (Agents, Tugs, mooring services, etc.). These meetings will be formally recorded by means of written minutes, or similar. All ports should follow the guidance given in section 3.2 of the PMSC Guide to Good Practice when undertaking any form of ad hoc or regular consultation. Additional useful guidance on the formation of port user groups is

given in the “National Directions Panel Supplementary Guidance: Code of Conduct on Harbour Directions” (available from the BPA web site and gov.uk)

3.5. Competence (3.14)

Appropriately trained and competent staff are key elements of many risk control measures, and are essential in determining risks and appropriate controls at the outset.

Competence assurance begins at the recruitment stage and is maintained thereafter. In order to assure initial competence, a four-stage process is followed:

1. *Prior to Job Commencement:* no staff member will be permitted to undertake work until the entry level criteria (as defined in the job description / vacancy advertisement) have been met.
2. *Induction Training:* All new staff (including temporary) will receive appropriate induction training and specific job related operational and procedural training, which will be overseen and recorded by appropriate line managers.
3. *Supervision and On Job Training:* Full competence for the post will be assessed once the staff member has completed a probationary period in the role. This may be achieved by working under the supervision of a competent person who will recommend when the new starter is to be considered competent, or by means of formal assessments after pre-determined periods of on-the-job training
4. *Competence:* When all the above stages have been satisfactorily completed, the person may be considered competent.

The same principles will be applied when recommending authorisation for a Pilot Exemption Certificate.

3.5.1. Marine Training Policy

ABP has published a Marine Training Policy (available on the company intranet), the purpose of which is:

“To ensure that all employees undertaking port marine activities undergo training and assessment to be sure that they are competent to carry out their work in accordance with current appropriate National Occupational Standards and the requirements of the Port Marine Safety Code and Guide to Good Practice.”

The policy applies to all employees with marine roles, as defined by the Marine Advisor. Local line managers are responsible for applying the policy in their own areas, while the ABP Marine Advisor is responsible for ensuring the policy remains fit for purpose.

The policy is supported by an appendix (also available on the company intranet) detailing the structure of Port Marine Employee training, as well as a sample record format for recording Port Marine Employee On-the-Job Training and Certification. [Note that this appendix is due for review by July 2016, but the current version should still be used in the meantime.]

Every port should maintain up to date job descriptions for every marine employee in the standard ABP format (available from Group Personnel), and the job descriptions should be reviewed annually (generally as part of each employees PDR process).

Each job role should be supported by a skills and training matrix as described in the Marine training policy and supporting documents.

3.6. Incident Investigation (3.15 – 3.17)

3.6.1. Conflict between Types of Investigation.

No matter how effective the safety regime is incidents will occur. All significant incidents and potential incidents are to be investigated, and this often gives rise to two competing and incompatible objectives:

- to determine the cause of the incident, with a view to preventing a recurrence (an investigation to determine cause),
- to determine if an offence has been committed and whether enforcement action is appropriate (a criminal investigation).

It is ABP policy that in the interests of safety and where the circumstances of the incident dictate, an investigation to determine cause should take primacy. Circumstances where an investigation to determine cause should take primacy include:

- Where it is necessary to determine the cause of the incident so that precautions can be put in place at the earliest opportunity to prevent a recurrence.
- Where it is necessary to promulgate the cause of an incident to interested parties and other harbour authorities so that lessons can be learned.
- Where it is necessary to determine the cause of the incident where those causes may initiate amendments to the Marine Safety Management System which in turn will ensure ABP continue to comply with the Port Marine Safety Code.

This will enable the harbour master to ensure that appropriate precautions and control measures are in place so that identified risks are managed to As Low As Reasonably Practicable. ABP recognise that an “investigation to determine cause” may prejudice a criminal investigation when that criminal investigation is also done by the harbour authority. However, the continuing safety of marine operations remains paramount. Each harbour master will seek advice from the Marine Advisor if he considers it important to expedite an “investigation to determine cause” which will compromise a criminal investigation. If the harbour authority has prejudiced a criminal investigation it will seek assistance through an agency of another authority such as the Police or the MCA.

3.6.2. Other Agencies

ABP will co-operate with all other agencies including the police, MCA, MAIB and HSE and will, where appropriate, respect their primacy to conduct their own investigations. ABP will endeavour not to hamper or conflict with investigations undertaken by external agencies and will assist as required. When the circumstances of the incident dictate, ABP will seek advice and assistance from other agencies.

3.6.3. Investigations to Determine Cause

When conducting an investigation to determine cause due regard will be given to the IMO “Casualty Investigation Code” (resolution MSC.255(84) adoption of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident) insofar as it provides guidance to a harbour authority. In particular the contents of Chapter 16 of the Code are noted:-

Chapter 16

PRINCIPLES OF INVESTIGATION

16.1 Independence: A marine safety investigation should be unbiased to ensure the free flow of information to it.

16.1.1 In order to achieve the outcome in paragraph 16.1, the investigator(s) carrying out a marine safety investigation should have functional independence from:

- 1. the parties involved in the marine casualty or marine incident;*
- 2. anyone who may make a decision to take administrative or disciplinary action against an individual or organization involved in a marine casualty or marine incident; and*
- .3. judicial proceedings.*

16.1.2 The investigator(s) carrying out a marine safety investigation should be free of interference from the parties in .1, .2 and .3 of paragraph 16.1.1 with respect to:

- 1. the gathering of all available information relevant to the marine casualty or marine incident, including voyage data recordings and vessel traffic services recordings;*
- 2. analysis of evidence and the determination of causal factors;*
- 3. drawing conclusions relevant to the causal factors;*
- 4. distributing a draft report for comment and preparation of the final report; and*
- 5. if appropriate, the making of safety recommendations.*

16.2 Safety focused: It is not the objective of a marine safety investigation to determine liability, or apportion blame. However, the investigator(s) carrying out a marine safety investigation should not refrain from fully reporting on the causal factors because fault or liability may be inferred from the findings.

16.3 Co-operation: Where it is practicable and consistent with the requirements and recommendations of this Code, in particular chapter 10 on Co-operation, the marine safety investigating State(s) should seek to facilitate maximum co-operation between substantially interested States and other persons or organizations conducting an investigation into a marine casualty or marine incident.

16.4 Priority: A marine safety investigation should, as far as possible, be afforded the same priority as any other investigation, including investigations by a State for criminal purposes being conducted into the marine casualty or marine incident.

16.4.1 In accordance with paragraph 16.4 investigator(s) carrying out a marine safety investigation should not be prevented from having access to evidence in circumstances where another person or organization is carrying out a separate investigation into a marine casualty or marine incident.

16.4.2 The evidence for which ready access should be provided should include:

- 1. survey and other records held by the flag State, the owners, and classification societies;*
- 2. all recorded data, including voyage data recorders; and*
- 3. evidence that may be provided by government surveyors, coastguard officers, vessel traffic service operators, pilots or other marine personnel.*

16.5 Scope of a marine safety investigation: Proper identification of causal factors requires timely and methodical investigation, going far beyond the immediate evidence and looking for underlying conditions, which may be remote from the site of the marine casualty or marine incident, and which may cause other future marine casualties and marine incidents. Marine safety investigations should therefore be seen as a means of identifying not only immediate causal factors but also failures that may be present in the whole chain of responsibility.

Having completed an investigation to determine cause, a report will be compiled. Before a report is finalised, parties that are involved in the incident may be given the opportunity to make representations. The object of the report will not be to apportion blame but to inform and improve the Marine Safety Management System and in particular stimulate review of Port Marine Risk Assessments (MarNIS).

A report on an investigation to determine cause will not be made public or published where it may prejudice an investigation conducted by another agency or when legal actions are anticipated. Although a report may not be published any lessons learned will be promulgated on a confidential basis to parties that can assist in the management of risks identified in the report.

See also section 3.9

Enforcement (3.20)

3.7. Statutory (Incident) Reporting Requirements (3.18)

The MarNIS system allows an immediate incident report to be produced in a format acceptable to the MAIB, and details of any such reportable incident will be sent to the MAIB as soon as possible (generally by email as soon as the report is completed)

3.8. Monitoring Performance and Auditing (3.19)

3.8.1. Key performance indicators

In order to monitor the effectiveness of the ABP Port Marine Safety Management System and to provide for progressive improvements in navigational safety a number of key performance indicators have been selected, which can be measured and assessed on a regular basis.

The KPIs are kept under regular review as required by the Harbour Authority Board members, and are collated and submitted at two monthly intervals to the HA Board meetings.

The most recent Marine Advisor's report to the Board should be consulted to review those KPIs currently reported.

Not all of the indicators will be applicable to all ports, but where they are, they are measurable and aim to be able to show change (improvement) over time.

Key performance indicators do not confirm compliance with either the MSMS or the PMSC, rather they give timely and measurable indications of changes in trends, allowing more thorough investigation to be initiated should the indicator suggest negative impacts on navigational safety.

3.8.2. Audit

As noted above, performance indicators cannot in themselves confirm compliance with the MSMS and PMSC. Furthermore, the Port Marine Safety Management System is designed to ensure continuous development and improvement, in response to changing events and circumstances. It is therefore necessary to confirm that the MSMS remains fit for purpose, and ensures compliance with the PMSC by means of regular Audit and Review.

Audits are conducted to achieve the following objectives:

- To determine if the Navigational MSMS is being operated in accordance with the ABP Marine Policy and, the requirements of the PMSC, and provide assurance to the Duty Holder.
- To monitor the overall effectiveness of the system.
- To identify and implement ways of improving overall performance.
- To confirm that relevant procedures are understood and being actioned by those involved.

The overall objective is to implement systematic, independent, audits to support the continuous improvement in navigational safety performance.

The 'Designated Person' (as defined in the PMSC) shall undertake periodic audits/reviews of the Marine SMS for the purpose of assessing the following:

- The continued provision of an appropriate and effective MSMS.
- ABP's ongoing, overall compliance with the requirements of the Port Marine Safety Code.

The Designated Person or his Deputy will audit each group of ABP ports annually. See also Appendix 1 – Example of the ABP PMSC Internal Audit Schedule.

The basis of these audits will be the check list appended to this document as Appendix 3 - ABP PMSC Compliance Checklist. A full review covering all aspects of the PMSC will be undertaken at every annual audit

Outcomes from the annual audits will be reported to the Duty Holder at the regular Harbour Authority meetings, and summarised in the annual report.

Furthermore, the status of each internal and external audit finding will be tracked by the Marine Advisor, and the number of open and overdue audit findings (together with their priority – High, Medium or Low) will be reported to each meeting of the Harbour Authority as a KPI.

The status of actions can be tracked and updated by action owners via the ABP Compliance Management System (SharePoint site). Overdue actions will be proactively followed up by the Marine Advisor.

Additionally, the Designated Person will meet at least once per year with each Port Director (in addition to the Harbour Authority Meetings) to discuss PMSC related issues arising from the audit process. A formal agenda will be used for these meetings which will be minuted – see Appendix 2 – Sample Meeting Agenda and Minutes – Annual Port Director Meetings.

ABP has published an "Internal Compliance Audits Policy and Procedure" which is available on the company intranet. Internal marine audits will comply with the procedures set out in this document.

3.8.3. Enhanced Internal Audits

In addition, once per year, ABP will carry out enhanced internal audits using appropriate external professional auditors, with the same objectives as above, but to additionally ensure objectivity and rigour of method in the internal audit process. These enhanced audits will rotate around the Group port directorates on a 5 year rolling basis (see Appendix 1 – Example of the ABP PMSC Internal Audit Schedule for programme). These audits are also likely to be based upon the internal audit checklist

to ensure PMSC compliance at the audited port, but will also provide a professional external check on the processes employed by the Designated Person.

3.8.4. External Audit

From time to time, ports may be audited externally by the MCA to ensure PMSC compliance, either following an invitation from ABP for the MCA to carry out a “health check”, or following a recommendation by the MAIB following an incident investigation.

ABP will ensure that any lessons learned from any audits at any port location, are transferred to all other locations through revision of the MSMS or provision of consistent advice to provide for appropriate updates of local policies and procedures

3.9. Enforcement (3.20)

To be read in conjunction with section 3.6 Incident Investigation (3.15 – 3.17)

3.9.1. Criminal Investigations

A criminal investigation does not necessarily end in a prosecution but if the investigation is not done in accordance with strict rules a prosecution will not be permissible. Therefore all investigations that may lead to a prosecution have to be conducted with that possibility in mind.

3.9.2. What is Enforcement?

Each Harbour Authority is responsible for enforcing many of the laws that apply within their jurisdiction but enforcement does not necessarily mean prosecution. Prosecution and the associated penalties imposed by a Court provide the ultimate sanction and enforcement provides a range of responses from informal verbal warnings, through formal written warnings to action in the Courts. ABP has developed a consistent approach for dealing with those persons who use its Ports and fail to meet acceptable standards. For the Harbour Authority to maintain its credibility it must demonstrate that it can effectively utilise the full range of enforcement options.

3.9.3. The Need to Enforce

(i) The Port Marine Safety Code (PMSC)

ABP complies with the (PMSC) requirement that Harbour Authorities have policies and procedures that are properly and effectively enforced. It follows that these policies need to be implemented by procedures and this manual is part of that process. The (PMSC) makes it clear that the statutory power that each harbour authority has to regulate conduct and activities should be used to assist in managing identified risks.

(ii) The Harbour Authority as a Statutory Body

Each Harbour Authority is a body create by statute to serve a public interest to manage, maintain and improve the harbour. The local laws that form each Harbour Authority provide the ability for it to make byelaws and give legally binding directions: it follows that the Harbour Authority has to demonstrate it can initiate enforcement action that may lead to prosecution.

3.9.4. Credibility through Enforcement

ABP's Harbour Authorities make their own legally binding rules subject to a consultation and approval procedure to ensure everybody can use the Ports safely. It follows that as the Harbour Authorities can make the rules it must be able to deal effectively with those persons that break them. The vast majority of people who use our Ports are responsible and law abiding. Some people will make mistakes, some people will benefit from education and some will need to be warned. In some circumstances misconduct may be so serious that the Harbour Authority may decide that it should be for the Courts to deal with and a prosecution will be initiated.

Through the whole range of enforcement options the Harbour Authorities must be able to demonstrate that it has developed a consistent approach reflected by procedures that work. They must also be able to demonstrate that they have the capability of effectively prosecuting offenders who deserve to be prosecuted. Warnings have their place but unless the Harbour Authority, when necessary, prosecutes an offender it will be difficult to maintain its credibility as a regulatory authority. Successful prosecutions can also provide a very worthwhile deterrent to other harbour users.

3.9.5. The Range of Enforcement Options

Enforcement covers everything from cordial education on the conduct expected to prosecution on indictment in the Crown Court where the Court may send someone to prison.

The range includes:

- Information and Instructional leaflets;
- Informal education;
- Formal education - e.g. seminars, briefings etc.;
- Formal advice - e.g. in Local Notices to Mariners;
- Informal warnings;
- Formal warnings;
- Prosecution.

Which option from the above range is used will depend on the circumstances of each particular incident and will include consideration of the following:

- The severity of the misconduct;
- The risk caused and associated with the misconduct;
- The consequences of the misconduct;
- Any repetition of the misconduct;
- The attitude of the person involved;
- The need to provide a deterrent;
- The evidence available;
- The interests of the public;
- Any considerations of the Harbour Master and the Harbour Authority;
- The knowledge and experience of the suspect.

3.9.6. The Conduct of a Criminal Investigation

The conduct of a criminal investigation has to meet strict requirements. Not to comply with these requirements will make it almost impossible to prosecute an offender regardless of the evidence against him. When an incident indicates that a criminal investigation is appropriate but in the interests of safety an investigation to determine cause should take primacy, assistance will be sought from outside agencies.

In the case where the Harbour Authority conducts its own criminal investigation it will be conducted in accordance with the requirements of:-

In England and Wales:

Police and Criminal Evidence Act 1984 and Codes

Criminal Procedure and Investigation Act 1996 and Codes

These requirements and much useful and practical guidance are incorporated into the:

HSE Enforcement Guide (England and Wales).

ABP Harbour Authority Enforcement Handbook.

In Scotland:

Reports to the Procurator Fiscal. A guide for Specialist Reporting Agencies.

Much useful and practical guidance is incorporated into the:

HSE Enforcement Guide (Scotland).

Where necessary, assistance will be sought from Head Office Legal Team and/or external experts.

3.10. Plans and Reports (3.21 – 3.23)

Local knowledge and experience is vital to relevant and effective risk assessment, therefore each ABP port will have different local manuals and procedures contributing to the overall MSMS.

Local manuals must include core functions of departments, and duties of personnel. They must also include an overview of training and any authorisation requirements for staff involved.

Operating procedures and guidance are likely to take the form of step-by-step guides that may include:

- What activities are done
- In what sequence
- By whom
- When
- At what frequency
- Details of records and paperwork to be completed and associated actions.

These documents will be referenced as part of the Local Port Marine Operational Procedures Manual, and all documents, which together form the port Marine Safety Management System, should be subject to a document control procedure. All documents should be reviewed and approved by the relevant senior Marine Manager. This review should ensure that:

- The correct and current issues of documents are available to relevant personnel
- Obsolete copies are removed
- Changes and amendments are correctly made
- Controlled documents are issued as required
- Minor changes are issued in sensible groups, to avoid undue administrative burden

Plans for marine operations should be updated within three years if not more frequently

3.10.1. Reports

The Harbour Master of each port will submit a report to the ABP Marine Advisor every 2 months, including details of Incidents, Key Performance Indicators and other matters of relevance to Port Marine Safety. These reports, together with a summary document, will be provided to the Duty Holder (ABP Board meeting as Harbour Authority) in writing. In addition, the summary report will be presented to the board members every 2 months by the Marine Advisor in person, in his capacity as Designated Person. During this meeting time is made available for discussion of issues, and for the Board members to question the Designated Person, as required.

3.10.2. Annual Report and Assessment of Performance

The Designated person will annually report to the duty holder, giving an assessment of the Authority's performance against the overall marine safety plan. The report will also be published each year on the [company website](#) to publicise the most recent assessment of performance.

3.11. Monitoring Compliance (3.24 - 3.26)

ABP will ensure that a prompt and internally verified response is made to the MCA's compliance programme, every three years.

Verification of compliance will be assured by means of ABP's ongoing programme of performance monitoring and audit as described in section 3.8 above. By means of having regular and recent audits of all ABP locations, together with oversight of progress made against actions identified during audit, it will not be necessary to carry out additional audits at the time a response is due to the MCA. This is in compliance with the spirit of the Port Marine Safety Code, which not only requires compliance at all times between verification checks, but also requires the ability to demonstrate continuous improvement in Port Marine Safety.

In advising the Duty Holder whether or not ABP should confirm compliance when requested, the Marine Advisor will specifically consider:

- All of the most recent internal ABP audits
- Minutes of Meetings held with regional Port Directors
- Recent KPMG audits
- Any MCA Health check reports
- The number and status of any outstanding audit recommendations from any source
- The status of any recommendations received from official bodies, for example the MAIB)
- The status of all ABP MarNIS risk assessments (If any significant assessments are overdue review)
- The status of all internal investigations (Any significant incidents which have not been formally investigated and closed)

When making his decision to recommend confirmation of compliance (or otherwise) to the Duty Holder, the Marine Advisor will prepare a draft letter to the MCA setting out his recommendation. Before this is formally considered by the full Harbour Authority Board for approval, guidance will be sought from Group Legal Counsel. The letter will then be presented to the Harbour Board at least one month before the requested response date, and formal approval for submission to the MCA obtained and minuted.

ABP will always assist the MCA, should a health check visit be required at any ABP port. Should internal audits reveal potential compliance issues which cannot be resolved internally, ABP will seek the advice of the MCA to assist in gaining confirmation of compliance.

4. General Duties and Powers

Part 4 of the Port Marine Safety Code describes the general duties and powers appropriate to a Harbour Authority. The manner in which these duties are fulfilled, and the extent of available powers at each port or harbour, are described in individual local Port Marine Operational Procedures Manuals.

5. Specific Duties and Powers

Similarly, part 5 of the Port Marine Safety Code describes the specific duties and powers appropriate to a Harbour Authority. The manner in which these duties are fulfilled, and the extent of available powers at each port or harbour, are described in individual local Port Marine Operational Procedures Manuals.

6. Formal Risk Assessment

Continuous assessment of risk is fundamental to the principles of the Port Marine Safety Code. ABP has therefore made the process of risk assessment and incident recording and review central to the Group Marine Safety Management System.

Consequently the ABP Risk assessment and Incident review processes are described in detail in the following sections of this document

In practice the key features of the Risk Assessment Method are:

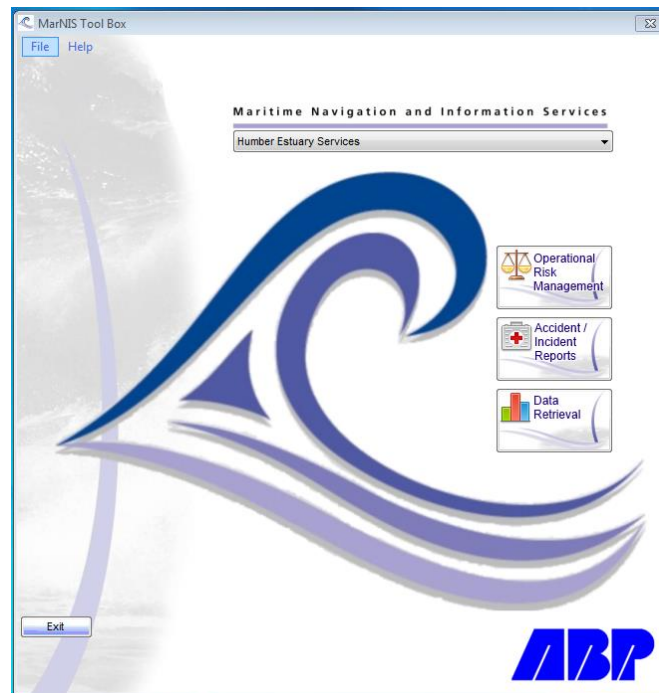
- Identification of all Hazards likely to impact navigational safety
- Continuous review of those hazards already identified
- Identification of control methods which can be introduced to reduce the likelihood of the hazard occurring (reducing the risk to the lowest reasonable level – the ALARP principle)
- Continuous review of control measures already identified
- Review of all incidents which may occur, to ensure that hazards had been correctly identified, and that control measures were appropriate

As any port may have a considerable number of hazards and control measures identified, requiring systematic review, ABP has developed a computerised database system (MarNIS) to facilitate the documentation and review of all Hazards and Controls, and allow a consistent assessment of risk across all ABP locations.

In addition the tool allows consistent recording and reporting of incidents that may occur, allowing appropriate and timely review of all necessary risk assessments, to further reduce risk in the future.

6.1. *MarNIS Risk Assessment Tool*

The risk assessment tool is available to all ABP Harbour Masters and relevant marine managers. The system has been developed specifically for ABP by ABPmer and is maintained and supported by a designated internal IT team. The system is a secure database, with outputs and reports available to authorised users



The basis of the MarNIS tool is population of the database with all identified hazard scenarios. These are then assessed using standard Risk Assessment principles with regard to the likelihood and severity of each hazard scenario occurring. Control measures can then be considered to reduce the resulting risk to the lowest practicable level. By entering data into the MarNIS system, a number of benefits are gained, including:

- Consistent data entry method
- Consistent scoring of likelihood and severity of events
- Consistent descriptions of causes and control methods, both across the location and ABP Group
- Automated and consistent reporting of hazards
- Ease of access to records for the local user, as well as sharing of information between different locations.
- Automated reminder of review requirements
- Traceable records of the review process

Hazard scenarios are displayed in the database with icons giving immediate visual indications of their status (level of risk, review requirement)

MarNIS Hazard Scenario List - Southampton

File Help

Operational Risk Management
Hazard Scenario Assessment List

All Scenario Types: Nautical Safety | Port Efficiency | Environmental Protection | Crisis Management | Dormant

Due Date	ID	Hazard Scenario Name	Risk Score
22/01/2017	NS0190	Sinking and capsizing: Soton Water - Piloted - Hazardous	4.38
22/01/2017	NS0188	Sinking and capsizing: Soton Water - Piloted - Non Hazardous	4.38
22/01/2017	NS0189	Sinking and capsizing: Soton Water - Piloted - Passenger	4.13
30/11/2018	NS0187	Sinking and capsizing: Soton Water - Unpiloted - Hazardous	4.06
30/11/2017	NS0242	Sinking and capsizing: Soton Water - Unpiloted - Non Hazardous	5.38
22/04/2019	NS0249	Striking with Floating Object: Docks	1.31
30/11/2017	NS0248	Striking with Floating Object: Docks - Linkspan	4.75
22/04/2019	NS0252	Striking with Floating Object: Solent - Piloted	1
22/04/2019	NS0253	Striking with Floating Object: Solent - Unpiloted	2
22/04/2019	NS0250	Striking with Floating Object: Soton Water - Piloted	1
22/01/2017	NS0251	Striking with Floating Object: Soton Water - Unpiloted	4.13
06/02/2016	NS0255	Striking with ship (moored): Docks - Piloted	4.69
22/04/2019	NS0254	Striking with ship (moored): Docks - Piloted - Passenger	2.75
06/02/2016	NS0256	Striking with ship (moored): Docks - Unpiloted	4.5
07/04/2019	NS0260	Striking with ship (moored): Solent - Piloted	2.94
22/04/2017	NS0261	Striking with ship (moored): Solent - Piloted - Passenger	3
06/02/2019	NS0262	Striking with ship (moored): Solent - Unpiloted	1.81
22/01/2019	NS0259	Striking with ship (moored): Soton Water - Piloted	2.25
22/04/2019	NS0257	Striking with ship (moored): Soton Water - Piloted - Passenger	2.75

Number of Assessments Listed : 91 Average Risk Assessment Score : 3.60

Each hazard can be viewed in detail, and edited as required. Following entry of details, the program will calculate an overall risk score and a summary of the hazard will be displayed.

Assessment Details

Hazard

Nautical Safety

Hazard ID: NS0193

Assessment: 186

Date: 12/02/2013

Review: 12/02/2015

Name of Assessor: MDNLWG

Overall Risk Score

4.81 (Assessed to be in the ALARP region)

Legend: Worst Credible (red), Most Likely (blue)

All hazards are uniquely identified, and records are kept of who has made each assessment, and when. Furthermore a review date is set to allow automated reminders for regular review.

6.1.1. Periodic Reviews

Periodic reviews are carried out at a frequency selected by the assessor (nominally annually). Each Hazard is revisited when a review becomes due and a new record created in the database. The assessor then reviews all aspects of the hazard in the light of any changes to existing risk controls, or other external factors. New comments must be added in the appropriate fields, and a new review date set, before the review is saved and a report produced. Use of comment fields will be verified during annual PMSC compliance audits (see also section 7.4.4 Audit of Risk Assessment)

While the review is the responsibility of the named assessor for each hazard, the process will take account of consultation with relevant staff, port users and external bodies where appropriate. The reviewer is therefore likely to refer to colleagues and minutes of meetings in this respect, and all of those involved in the review should be identified in the appropriate fields within the software.

6.1.2. Post-Incident Reviews

In addition to regular reviews of existing hazard scenarios, and complimentary control measures, MarNIS allows lessons learned from any incidents which do occur to be added to the Safety Management System.

A post-incident review will take the form of an immediate review of the hazard scenario that led to the incident. This will include the causes of the event, and the risk control measures which were in place, and if necessary a re-scoring of the overall risk. It is likely that unless changes are made to controls, the risk score will increase and a judgement will have to be made as to whether this is acceptable.

Upon review, it will be necessary to assess whether the time period set until next routine review is suitable, or whether to set a shorter period until it can be confirmed that new control measures are effective.

To positively contribute to navigational safety, the lessons learned from post-incident reviews must be effectively promulgated. This may be achieved by a number of mechanisms locally, but MarNIS will allow sharing of the reviews across all Group ports as all users are able to review hazards and assessments for all locations.

6.1.3. New Risk Assessments

New risk assessments may become necessary for a number of reasons:

- A significant change in operational procedures (eg, new vessel or type of vessel, new cargo, new berth etc.)
- As a result of routine reviews / consultation, it becomes apparent that a hazard exists but has not yet been considered
- Following an incident, a new hazard is identified

In these cases, a new hazard scenario will be created in MarNIS and the risk assessment procedure completed. After taking into consideration (and recording) existing control measures an overall risk score will be derived and recorded in MarNIS.

If this score is not acceptable a comment will be noted and new control measures introduced. The assessment can then be reviewed as soon as the new measures are in place, and the risk re-assessed until such time as it becomes acceptable.

It may become apparent that the only way to reduce the risk to an acceptable level is to remove the hazard completely (for example cease the hazardous operation). MarNIS provides a useful tool in assisting the responsible person in reaching this decision objectively.

6.2. MarNIS Incident Database

Incidents will occur, however rigorous the risk assessment system is, and however many controls are put in place. While effective controls will reduce the frequency and severity of incidents, those that do occur need to be fully analysed so that lessons are learned and fed back via the review procedure detailed above.

The MarNIS program allows full details of all incidents to be recorded and reports to be generated to provide feedback to all port users. More specifically, the incident database is directly linked to the Hazard database of the risk assessment tool. Following an incident, it is possible to instantly view all hazards directly linked to the event and review them as described in 6.1.2 above.

Detailed guidance on the use of both the risk assessment and incident recording modules of MarNIS are given in a separate document available from the marine pages of the company intranet.

7. Risk Control Measures

Any activity (especially a marine operation) will involve some element of risk. However, that risk can be reduced to an acceptable level (As Low As Reasonably Practicable) by introducing robust control measures to ensure that the activity is carried out as safely as possible, and in a “controlled” manner.

Risk control measures can be placed into two broad categories – documentary and hardware

7.1. *Documentary Risk Controls*

These may include the following types of activity, the satisfactory implementation of which will be clearly evidenced by accessible and auditable documents. In summary these controls set out how tasks should be done to keep risks to a minimum, and will include:

- Formalised Training and Assessment – including systems to make sure all staff receive appropriate training, and that such training is properly recorded.
- Regulatory Framework – including Local Harbour Acts, Byelaws and Directions
- Accurate charts and other navigational information – including the proper promulgation of such documents, as well as tidal and weather information, navigation warnings, weather advice and other information required by harbour users.
- Operational Manuals and Guidelines – as appropriate for each port
- Operating Procedures – giving specific instructions for individual tasks
- Emergency Plans and Procedures – as may be required at each location
- Notices to Mariners – giving general navigational guidance and advice
- Ship Information Systems (including software systems such as PAVIS)

7.2. *Hardware Risk Controls*

These include physical systems that may be required to provide information to both Harbour Masters and users to allow safe navigation and use of a port, or physical “barriers”. Such systems may include:

- Radars – an appropriate system or network of systems to provide coverage of ports and their approaches, where necessary
- Radio Communication – appropriate facilities to communicate with vessels, such as VHF radios, with sufficient range and coverage to reach all port users, and approaching vessels, as well as all types of vessels (eg commercial and leisure craft)
- VTS systems. Where a VTS system is appropriate, it should have facilities to display and record traffic movements in the VTS area, as well as integrate other data sources (VHF / AIS etc)
- Traditional Aids to Navigation – Buoys, lights etc.
- Moorings and anchorages – especially for use in emergency when other port based facilities (docks, quays and piers) may not be available.

- PPE

7.3. Risk Control Functions

The risk controls above are likely, in practice, (though dependent upon size of the port) to be under the ownership of different sections of the marine department, with qualified personnel undertaking the various functions on behalf of the Harbour Master. Examples of such functions are given below, but the range of functions varies considerably between different ports within the ABP Group.

7.3.1. Marine Conservancy

All ports will have an effective programme of hydrographic survey designed to establish and confirm the depths of channels, fairways and berths, and to inform the Harbour Master and port users of any shoaling or new obstructions. This function will also ensure that any necessary dredging is carried out safely and in good time, and that new charts are issued upon the completion of dredging works. The marine conservancy function will also ensure that all physical aids to navigation are correctly positioned and maintained according to the requirements of the appropriate GLA, and that all changes in depths, navigation aids or arising due to development are immediately promulgated, and forwarded to the UKHO for inclusion on official charts. Tidal measurements and accurate predictions will also be an important part of the conservancy function. Appropriate consenting of works within the SHA area is also a conservancy function.

7.3.2. Pilotage

In accordance with current legislation and guidance, where a port provides a pilotage service there will be a continual process of review and risk assessment to determine the level and type of service to be provided and to identify the safe boarding and landing areas associated with the service. Each location will also have local operational procedures, guidelines and directions.

In those locations where pilotage is provided by a third party in an ABP CHA area under a joint agreement, ABP will maintain a formal relationship with the pilotage provider in order to ensure (through the procedures outlined above) that the service meets the same standards as would be the case if ABP provided the service itself. This will include, but not be limited to, senior ABP marine managers (Harbour or Dock Master) attending relevant meetings of the pilotage authority, and being formally consulted on any proposed changes to pilotage directions affecting the ABP CHA area. The ABP Harbour or Dock Master should also be formally involved in the process of authorisation of any Pilots / PEC holders who may be authorised to enter any part of the ABP CHA area.

In particular, local procedures should both require, and enforce, berth to berth passage planning especially for that part of the passage undertaken within an ABP SHA area (or CHA area if larger). Passage plan documents or pilotage record documents and procedures must record the fact that a Pilot / Master exchange has taken place (if under pilotage), and all records should be kept for inspection after completion of the passage. Records should be kept for as long as possible, subject to

local storage constraints, but if an incident should occur, it is recommended that records be kept indefinitely if possible.

Each port should use a suitable mechanism (Notice to Mariners) to advise all Harbour users, including non-piloted (leisure and small craft), and PEC holders to formally adopt passage planning techniques. PEC holders should be assessed on their knowledge of passage planning on examination, and at periodic re-authorisation.

7.3.3. Vessel Traffic Services

The need for a Vessel Traffic Service must be established by risk assessment, and full guidance on the process required is given in the MCA Guidance Notice MGN 401, and the referenced documents produced by IALA. There should be a designated person responsible for the effective management of the service, including the personnel and hardware. Local procedures and guidelines will be required to ensure adequate staff training to internationally agreed standards and to control the proper operation and maintenance of the VTS facility and service.

7.3.4. Local Port Services

At the majority of ABP ports, which have assessed that there is not a requirement for the provision of a full VTS, a “Local Port Service” will be provided to the standards recommended in section 7.2.8 of the PMSC Guide to Good Practice, and as described in the MCA Guidance Notice MGN 401

7.3.5. Contingency Planning and Response

The Harbour Master will be responsible for, but may appropriately delegate, marine contingency and planning functions. This may include vessel licencing functions where appropriate, as well as emergency and security planning in accordance with the regulatory framework, and national and international legislation. In addition there will be the requirement to revise and enforce local byelaws and directions; and to publish navigational information and advice such as Local Notices to Mariners.

Each port will establish suitable emergency response plans for specific marine incidents appropriate to each location. Appropriate training exercises will be arranged at suitable intervals, and the outcomes of such exercises will be logged and reviewed to ensure the continual improvement and relevance of such plans.

Plans which are a statutory requirement (Oil Spill Response, Waste, Security etc.) will always be maintained “in date” and revisions submitted to the appropriate authority for approvals in sufficient time for re-validation before expiry.

Specific plans should also be maintained for dealing with Hazardous materials within the SHA area. The ABP Humber “HESMEP” plan is available to all ports as a template for such a plan.

ABP currently has provision for the Tier 2 Oil Spill response contractors (Adler and Allan) to provide training and support at Oil Spill / Hazardous Material contingency exercises. This includes exercise facilitation, and post exercise reporting and feed back. Each Dock or Harbour Master must ensure that any feed back received from exercise

facilitators (whether Adler and Allan or any other source) is forwarded to the Marine Advisor so that any lessons learned, or best practice identified, can be shared with all Group ports.

7.3.6. ISPS

The Harbour Master, or his representative, may be responsible (in conjunction with port security officers) for fulfilling requirements of The International Ship and Port Facility Security (ISPS) Code. Ports will have particular procedures in place to establish security levels of ships and shore facilities, which will be documented in local plans and procedures

7.3.7. Patrols / Surveillance

Where appropriate, a port will maintain dedicated harbour patrol and / or surveillance facilities to ensure byelaw compliance, and enforce navigational safety polices. This may take the form of full or part time patrol vessels, land based staff (for example: Berthing Officers, Lock Controllers) or remote surveillance such as CCTV cameras. All these systems will be supported by local documentation and procedures.

7.3.8. Routine Towage

All ABP ports will provide clear guidelines for towage, established following appropriate risk assessment and consideration of local conditions. The guidelines should be agreed with towage providers and pilots. They should take into account availability of local towage providers and their resources, and consider the requirements of individual berths and locations within the port and a range of weather conditions (with particular regard to wind strength and visibility).

While it will be the responsibility of towage providers themselves to risk assess the practical aspects of undertaking the act of towage itself, ABP as Harbour Authority is responsible for ensuring that towage is considered as an appropriate control measure when undertaking marine risk assessments. Through adherence to the guidelines as described above, ABP will ensure that the use of towage as a control measure remains effective.

ABP will also ensure that the towage providers operating within ABP SHA areas are appropriately experienced and fit for purpose. ABP will not carry out vessel surveys or assess crews, but will annually carry out checks that all vessels and their crews have appropriate and current certification issued by a recognised authority (e.g. the MCA). The outcome of these annual checks will be formally recorded and available for inspection as required (MA Notice No.1 of 2014 refers). Also refer to section 9 of the PMSC Guide to Good Practice.

7.3.9. Non-Routine Towage

In all cases where non-routine towage is planned within an ABP SHA area, a specific risk assessment will be carried out prior to authorising the tow to proceed. This should be recorded on an appropriate Non-Routine Towage Assessment form which will be kept for inspection and record keeping. In particular ship owners, towage contractors, tug masters, project managers and agents must be advised that the person responsible for the safety and planning of the manoeuvre (and thereby acting as the

Towing Master) must be clearly identified and be responsible for the production of risk assessments, method statements and passage plans which must be discussed and agreed in advance with the Harbour Authority. Marine Advisor Notice No.5 of 2013 and attachment give additional detail. Also refer to section 9 of the PMSC Guide to Good Practice.

7.3.10. Environmental Duties

All Statutory Harbour Authorities have a duty to conserve the Marine Environment, and many of the control measures introduced to enhance marine safety also serve to protect the environment.

ABP has a Sustainable Development Department, which works in close co-operation with the Marine Advisor. A number of documents are produced by the SD team aimed at giving advice, and recommending procedure appropriate for marine teams, and contributing to compliance with the PMSC. In particular all ports should ensure that local procedures adopt the requirements of Environmental Management Framework (EMF) Notices 19, 20 and 25 in particular.

Ports should ensure that the contents of EMF 20 (Environmental Information for Masters) is included in the information made available to all visiting vessels before first arrival. This includes information on Bunkering procedures. All current EMF notices can be accessed from the company intranet.

7.4. Risk Assessment Standards

The port Marine Safety Management System is underpinned by effective identification and assessment of navigational hazards. ABP has developed the MarNIS system (described in Section 6.1) to be the basis for initial identification and review of hazards, and to ensure consistent and effective review and implementation of control measures.

The methodology for the risk assessment (as adopted by the MarNIS system) is based on that adopted by the International Maritime Organisation (IMO). This formal approach involves following five sequential assessment stages, applied in appropriate depth:

- Data gathering and familiarisation - Review of the existing management structure, risk control arrangements, policies, procedures and operational functions.
- Hazard Identification - Identification of potential hazards and mapping of existing control measures.
- Risk Analysis - Consideration of the likelihood of identified hazardous incidents and their associated potential consequences, including prioritisation of their risk factors.
- Risk Assessment - Comparison of risk factors with the effectiveness of existing risk control arrangements and subsequent determination of additional control measures.
- Risk Control - Judgement and endorsement of specific control measures to be implemented and managed through the Port Marine SMS.

The resulting risk level from each identified hazard is determined by numerically comparing the potential severity of the consequences (against people, property, planet and port) and the likelihood of that hazard occurring. Hazards are then ranked according to their numerically scored risk level. It is the principle aim of the ongoing hazard review process to actively manage the risk control measures associated with each hazard and attempt to reduce the level of risk, and therefore the ranked score, at each review.

7.4.1. Planned Periodic Review

Initial identification and review of hazards and risk controls will involve local marine staff, port users and possibly external consultants. The Harbour Master at each location will be responsible for such reviews, though local procedures will make clear any delegation of these responsibilities.

The review schedule for each hazard will be identified at initial assessment, though the review period will itself be subject to re-assessment at each subsequent formal review. In principle, those hazards with the highest risk scores will be reviewed most frequently (6 months), while those with very low risk scores may be reviewed at significantly greater periods (Of not more than three years – see section 6.1.1 Periodic Reviews).

7.4.2. Post Incident review

A reactive (post – incident) review will take place as soon as the Harbour Master (or his appointed representative) has concluded an initial incident investigation to establish whether there has been a failure to comply with regulations or procedures. The review from the MSMS perspective will then consider whether there is any need to re-evaluate or add to already identified hazards, and review whether existing control measures were effective, or need changing or supplementing. As in the case of an initial investigation, consultation will take place with other marine staff, port users and external agencies.

7.4.3. New Hazard Scenarios

In the event that there is a material change in port related activities (new trade, new development, and significant change in working procedures) the Harbour Master will oversee (in collaboration with all stakeholders) a full risk assessment from the initial stage.

7.4.4. Audit of Risk Assessment

In order to ensure that the risk assessment standards described in this section are met across all ABP locations, at each annual internal audit undertaken by the Marine Advisor, a minimum of 10% of all Nautical Safety risk assessments will be reviewed for validity. (Compliance with the requirements of this document, and the advice given in the Group MarNIS guidelines)

8. Health and Safety at Work

Although Health and Safety at Work is not specifically addressed by the PMSC, ABP recognises its responsibility to its employees and will do all that is reasonably practicable to ensure their health, safety and welfare at work.

ABP will, so far as is reasonably practicable, ensure that the health and safety of other persons is not put at risk by its undertaking.

The Directors and Managers of ABP give matters of health and safety equal importance to those of economy and productivity. Improvement in health and safety performance year after year is one of ABP's main business objectives.

The Directors and Managers of ABP believe that injuries and ill-health suffered at work can be prevented through effective management control and action.

ABP will provide health and safety information, instruction and training to its employees at all levels.

The Directors and Managers of ABP will monitor the implementation of this Policy and the health and safety performance of the Company.

ABP will provide competent resources in the field of health and safety to provide guidance to Managers and Directors.

ABP seeks co-operation from all employees in matters of health and safety at work. We are all directly responsible for health and safety at work.

ABP, through its health and safety programmes, will promote off-the-job health and safety among its employees.

ABP intends to set standards among the best in the industry worldwide. ABP recognises the important and valuable role played by staff safety representatives. Safety Committees will be set up at all locations to facilitate consultation on health and safety issues.

ABP will review the Company's Health and Safety Policy on a regular basis, and at least once per annum.

9. Appendix 1 – Example of the ABP PMSC Internal Audit Schedule

		2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016
October – September Each Period						
Internal visit by Marine Advisor (or Deputy) to all ABP Dock and Harbour Masters						
1	Garston	9/8/2011	22/01/2013	10/12/2013	4/12/2014	10/12/2015
2	Kings Lynn	11/11/2011	28/11/2012	25/03/2014	23–27/03/2015 +KPMG	
3	Ayr / Troon	24/01/2012	05/02/2013	02/07/2014	12/11/2015	
4	Plymouth / Teignmouth	14-15/02/2012	14/02/2013	06/03/2014	4-6/03/2015	
5	Southampton	08/03/2012	09/07/2013	23 25/04/2014	26/06/2016	
6	Ipswich	27/03/2012	18/04/2013	12/05/2014	23–27/03/2015 +KPMG	
7	Humber Ports	1-3/05/2012 With MCA	05/11/2013	20/08/2014	18/08/2015	
8	HES	16/05/2012	06/11/2013	21/08/2014	19/08/2015	
9	South Wales	26-27/06/2012	4-8/03/13 with KPMG)	17–18/06/2014	29-30/07/2015	
10	Lowestoft	24/07/2012	24/10/2013	18/09/2014	23–27/03/2015 +KPMG	
11	Barrow / Fleetwood	14/08/2012	11/12/2013	3/12/2014	9/12/2015	
12	Silloth	w/c 24/09/12 with KPMG	14/01/2014	2/12/2014	8/12/2015	
Dates in Green = completed audits. Dates in Red = “confirmed” dates for audits Red Highlighted = Proposed						
Before End September Each Period – External KPMG Audit – 5 year Cycle						
Port Grouping	Short Sea Ports (North West)	South Wales	Southampton	Short Sea Ports (East Anglia)	Humber	
	September 2012	4 th to 8 th March 2013	23 rd to 25 th April 2014	23 rd – 27 th Mar 2015	April 2016	

KPMG audit will follow a five year rotating cycle, with a different sub group of Short Sea Ports reviewed twice in each 5 year cycle
Future Short Sea port audits will visit: Scotland (Ayr / Troon) 2017 and South West (Plymouth / Teignmouth) 2020.

10. Appendix 2 – Sample Meeting Agenda and Minutes – Annual Port Director Meetings

Port Marine Safety Code – Internal Audit

Annual Port Director Meetings

Standard Agenda

Directorate	
Director's Name	
Meeting Date	
Meeting Location	

1. Attendance / apologies
2. Minutes / review actions arising from last meeting
3. PMSC update from Marine Advisor
Highlight any significant events, and feedback from National PMSC meetings
4. Review of audits carried out since last meeting
5. Agree actions to carry forward
6. Any Other Business

Port Marine Safety Code – Internal Audit

Annual Port Director Meetings

Minutes of Meeting

Directorate	
Director's Name	
Meeting Date	
Meeting Location	
Other Attendees	

1. Attendance / apologies
2. Minutes / actions arising from last meeting
3. PMSC update from Marine Advisor
4. Review of audits carried out since last meeting
5. Agree actions to carry forward
6. Any Other Business

11. Appendix 3 - ABP PMSC Compliance Checklist (Example)

Audit Details

Port Name	Date	Auditor Name(s)	Harbour Master	Other Staff Present

Distribution

Date Final Version Distributed:	Harbour Master	Port Manager	Port Director	Marine Advisor

NB: responsibility for some areas of local PMSC compliance is assumed at group level by the Marine Advisor. These areas are identified by coloured text in the checklist below.

PMSC Section 2 - Accountability

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
2.3	2.2.19	The Duty Holder	Port has formally adopted ABP Marine Policy and Group Port Marine Operational Procedures Manual which describe the status of the ABP Duty Holder (Must be stated explicitly in local Port's Marine Operational Procedures manual)	
2.4	2.2.19	Not Applicable to ABP		
2.5	2.2.19	Role of Duty Holder	Check key staff understand who duty holder is.	
2.6	2.2.19	Duty Holder Cannot Assign Responsibility	Adoption of Group policy as in 2.3	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
2.7	2.2.19	Board Member Training	Date of last PMSC training for Duty Holder	
2.8	2.2.25	The Designated Person	The designated person is explicitly named in the local Port Marine Operational Procedures Manual And can be named by key staff.	
2.9	2.2.25	Designated Person Appropriate	Background and Skills of DP – are local staff aware of DPs background?	
2.10	Section 2	Chief Executive	Identified by adoption of Group Policy (see 2.3 above)	
2.11	Section 2	Harbour Master	Identified by name in MSMS. Evidence of job description, appropriate training, current qualifications (Training matrix)	
2.12	Section 2	Harbour Master Powers	Clearly defined in local manual. Delegated powers clear and officers with delegated powers named and appropriately trained.	
2.13	Section 2	HM Powers and Aids to Navigation	Local duties clear in local manuals	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
2.14	Section 2	Other Officers	<p>Current Job descriptions for all marine officers.</p> <p>Any roles delegated to external parties (ABP or otherwise) clearly documented (For example contracts / agreements to provide survey, dredging, AtoN maintenance, Pilot Boat provision, towage services etc.)</p> <p>Local officer in charge of any such contracts clearly identified in principle local operational manual</p>	
2.15	Section 2	Feedback to Duty Holder	2 monthly reports to Board submitted regularly, and appropriately completed.	

PMSC Section 3 – Key Measures Needed for Compliance

PMSC Reference	GTGP Reference		Subject	Evidence required for compliance	Comments
3.3 / 3.5	Section 1		Review (be aware of) Existing Powers	Local Acts, Harbour Orders and Byelaws are referenced and listed in Local Port Marine Operational Procedures Manual, and readily available for reference and inspection.	
3.4	Section 1		Understand Local Powers	A summary of local powers, and from which legislation they arise is available (refer to Winkworth Sherwood Summary) and HM / Port Manager has a reasonable understanding of these powers, and knows how to seek assistance when required.	
3.6	4.1		Use Formal Risk Assessment	Has MarNIS database been fully and appropriately populated with formal marine risk assessments in accordance with Group guidance manuals? Auditor has reviewed at least 10% of current assessments.	
3.7	4.1.8&9		Objective Reviews by Qualified People	Have the objective criteria used in the MarNIS system been correctly and consistently applied? Have the reviewers had appropriate training and experience (attended ABP courses for example)?	

PMSC Reference	GTGP Reference		Subject	Evidence required for compliance	Comments
3.8	4.2		Continuous Assessment	<p>Are all assessments in date?</p> <p>Is there evidence of continual review (MarNIS)?</p>	
3.9	4.4		Implement a Marine Safety Management System (MSMS)	<p>Is the complete MSMS readily available in either (or both) paper and electronic formats?</p> <p>Does the local Port Marine Operational Procedures Manual document refer to the Group document and policies, and avoid duplication / contradiction?</p> <p>Revision date of local Port Marine Operational Procedures Manual?</p> <p>Who has responsibility for maintaining local Port Marine Operational Procedures Manual?</p> <p>Are port (marine) employees required to read all or part of the full MSMS?</p> <p>Is there evidence that they have done so?</p>	

PMSC Reference	GTGP Reference		Subject	Evidence required for compliance	Comments
3.10	4.4		<p><i>(See also specific and general duties)</i></p> <p>Confirm roles and responsibilities.</p> <p>Outline present procedures.</p> <p>Measure performance against targets.</p> <p>Refer to emergency plans.</p>	<p>Local Port Marine Operational Procedures Manual confirms responsibilities of key personnel and departments</p> <p>Reference made to all other local operational plans and guidelines. Are these recently reviewed?</p> <p><i>(Undertaken at Group level)</i></p> <p>Local Port Marine Operational Procedures Manual lists relevant emergency plans</p> <p>Are such plans reviewed and in date?</p>	
3.11	4.4		<p>Statement Regarding Performance in Annual Report</p>	<p>Has the port reported KPIs for the HA report?</p> <p>Date of publication of last annual report?</p> <p>Has the authority reported publicly?</p>	

PMSC Reference	GTGP Reference		Subject	Evidence required for compliance	Comments	
3.12	4.4		Assigning Responsibility	<p>Does the Port Marine Operational Procedures Manual explicitly assign responsibility for appropriate associated matters?</p> <p>Procedures and any delegated responsibility should be published for the following where appropriate:</p> <p>Pilot boarding and disembarkation</p> <p>Certification and use of Harbour craft</p> <p>Provision of moorings in SHA area</p> <p>Reporting deficiencies w.r.t. visiting ships</p> <p>Risk assessment of need for, and provision of AtoNs</p> <p>Safety of berths (no hazards or obstructions shore side, fendering)</p> <p>Dredging</p> <p>Hydrography</p> <p>Environmental monitoring and advice</p> <p>Engineering advice</p> <p>Other</p>	Where Documented?	Who is Responsible?

PMSC Reference	GTGP Reference		Subject	Evidence required for compliance	Comments
3.13	Section 3		Consultation with Port Users	<p>Meetings – schedule and minutes available?</p> <p>Are any written consultations available?</p> <p>In what form is information provided to port users? (Notices, web site, publications?)</p>	
3.14	Section 11		Competence Standards	<p>Does the port comply with the ABP marine training policy?</p> <p>Are there training records for all staff?</p> <p>Is training up to date, and refresher training details recorded?</p>	
3.15 – 3.17	Section 12		Incident Investigation	<p>Sample incident investigations recorded in MarNIS can be reviewed to closure.</p> <p>Are those responsible for carrying out investigations suitably trained (training records)?</p> <p>Are potential incidents recorded and followed through to closure? (Refer to group KPIs)</p>	
3.18	Section 12		Statutory Reporting	<p>Is the procedure to report to MAIB clearly documented and understood by duty staff?</p>	

PMSC Reference	GTGP Reference		Subject	Evidence required for compliance	Comments
3.19	4.4		Monitoring Performance and Auditing	Date of last internal Audit (ABP Marine Advisor or Deputy) Date of last external audit (eg KPMG / MCA)	
3.20	4.4		Enforcement (of procedures)	Are the procedures and policies effectively enforced? (Evidence such as letters to ship owners / Masters) Are adequate resources considered to be available for this purpose?	
3.21 – 3.23	2.2		Assessment of Performance	Marine Safety Plan Annual Report Publication frequency	
3.24	4.6		Monitoring Compliance	Has the port (Harbour Authority) confirmed compliance at the last request?	
3.25	4.6		Compliance Letters	See above	
3.26	4.6		MCA Verification	Has the port ever requested / been subject to an MCA health check? If so, have recommendation's been followed up?	

PMSC Section 4 – General Duties and Powers

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
4.2	7.1	Open Port Duty	Are <i>commercial</i> rates and conditions for use of the port published? Where?	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
4.3	Section 6	Conservancy Duty	<p>Dredging programme in place?</p> <p style="padding-left: 40px;">Date of last dredge and evidence of areas dredged</p> <p style="padding-left: 40px;">Post dredge survey charts available</p> <p style="padding-left: 40px;">Dredge licence expiry date.</p> <p style="padding-left: 40px;">Procedure for renewal</p> <p>Survey programme in place</p> <p>Dates of last survey of</p> <p style="padding-left: 40px;">Main approaches</p> <p style="padding-left: 40px;">Principal Berths</p> <p>Evidence survey data sent to UKHO</p> <p>Navigation marks inspected and approved by GLA</p> <p>Evidence navigation aids are reviewed (eg date of last move, or similar)</p> <p>Hydrographic records are available (eg tide level records, survey catalogues)</p> <p>How is information regarding prevailing conditions made available to vessels / pilots?</p> <p style="padding-left: 40px;">Tidal levels</p> <p style="padding-left: 40px;">Weather conditions</p>	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
4.4	Section 6	Holds that a Certain Depth of Water is Available	Is there evidence of local NTMs or other systems in place to advise mariners when depths are less than advertised? Date last such notice issued.	
4.5	Section 6	Environmental Duty	Does port exercise powers with regard to environmental considerations? (Example such as harbour consent process, instructions to vessels regarding reporting of spills, etc. to be shown) Does the Port Marine Operational Procedures Manual include reference to protected areas in or adjacent to the Harbour?	
4.6	Section 5	Civil Contingencies Duty	Are local civil contingency plans referred to in the main operational procedures manual? Is there a plan to deal with hazardous substances as well as hydrocarbon spills? Are the plans readily accessible to operational staff? Date of last exercise with other “co-operating bodies”	
4.7 – 4.13	Section 1	Review of HA Powers (see also 3.3 – 3.4)	Keep powers and byelaws under review	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
4.14 – 4.17	Section 1	Collecting (Conservancy) Dues	<p>Are harbour and pilotage dues clearly advertised?</p> <p>When were these dues last reviewed?</p> <p>How were revisions to dues promulgated to harbour users in advance?</p>	

PMSC Section 5 – Specific Duties and Powers

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
5.2	Section 2	Appointment of Harbour Master	Training records up to date?	
5.3 – 5.4	1.8	Special Directions	Are guidelines included in the Port Marine Operational Procedures Manual for use of special directions? (Documented procedure).	
5.5 – 5.6	1.10	General / Harbour Directions	<p>Are general / harbour directions available?</p> <p>Are they used? (Example)</p> <p>If made recently, evidence of consultation process.</p>	
5.7	7.5	Passage Plans	<p>Is there a published local passage plan?</p> <p>Is there a requirement to use it? (eg in Pilotage directions, Notice to Mariners)</p> <p>Is there evidence use of the plan is enforced?</p> <p>Are all plans available for inspection?</p>	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
5.8 – 5.9	5.3	Incidents Threatening Pollution and Safety (SOSREP)	Does the Port Marine Operational Procedures Manual acknowledge the role of SOSREP (by reference to ABP policy)?	
5.10	5.3	Dangerous Vessels	Does the Port Marine Operational Procedures Manual (or other plan) give clear guidance for giving directions to dangerous vessels?	
5.11	5.2	Dangerous Substances	Prior notice arrangements: sight of local system used. Are entries up to date? Emergency plan exists to deal with dangerous substances (review date)	
5.12	5.3	Prevention of Pollution	Have oil spills been reported? (MarNIS) Local regulations in place – especially for transfer of oils / bunkering – examples. Evidence of enforcement procedures	
5.13	5.3	Prevention of Pollution (Response Plans)	Oil spill plan current? (review date) Is the Tier 2 response contractor named (where)? Is the process for calling out the Tier 2 contractor clearly defined in the Port Marine Operational Procedures Manual? Are staff responsible for responding to Oil spills trained (Training records)?	
5.14	(General)	Vessel Traffic Monitoring Reporting Requirements	Who is responsible for CERS reporting requirements?	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
5.15	Section 12	Drink and Drugs	<p>Are written procedures in place (Port Marine Operational Procedures Manual) if a mariner is suspected of being affected by drink or drugs?</p> <p>Are staff suitably trained to respond – training records?</p> <p>Is there a clear procedure for contacting appropriate local police?</p>	
5.16 – 5.17	7.2	VTS (or LPS)	<p>Has the need (or otherwise) for a VTS or LPS been established by risk assessment?</p> <p>If VTS in place, what level of service is provided (LPS / Information Service / NAS / TOS)?</p> <p>If in place - date of last review / user group meeting.</p> <p>Are all staff trained to required standard and qualifications in date (training records)</p> <p>Are entries in MSN1796 and ALRS up to date?</p>	

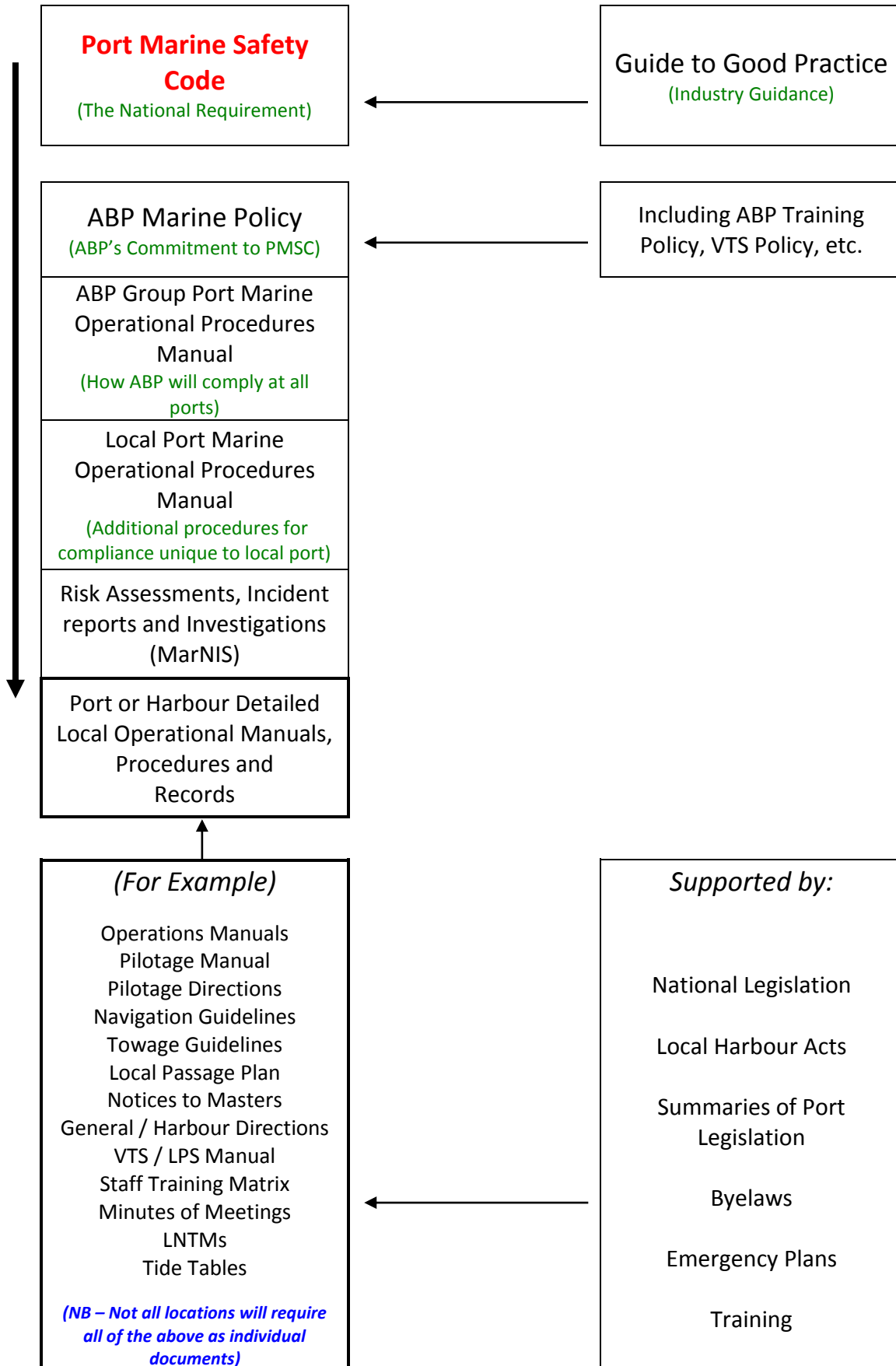
PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
5.18 – 5.20	Section 8	Pilotage	<p>Is the port a CHA – confirmed under what legislation?</p> <p>If CHA: has pilotage provision been reviewed? (Date)</p> <p>Are clear procedures in place to ensure those undertaking Pilot duties are sufficiently rested, and have time to prepare passage plans, etc.?</p> <p>Do Pilot boats meet statutory requirements / codes?</p> <p>Which codes are used?</p>	
5.21 – 5.22	8.3	Pilotage Directions	<p>Have Pilotage directions been issued as a stand-alone document?</p> <p>Evidence of consultation if directions recently reviewed.</p> <p>Is service available to “exempt” vessels?</p>	
5.23	8.4	Pilotage Exemption Certificates	<p>Is a clear process for the issuing of PEC’s published?</p> <p>Are the requirements equivalent to those for an authorised pilot?</p>	
5.24	8.3	Authorisation of Pilots	<p>Is the process clearly documented in the Port Marine Operational Procedures Manual (or other component document of the MSMS)?</p> <p>Is the process for disciplinary action / revocation of authorisation clearly documented (eg by reference to ABP personnel procedures)?</p>	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
5.25 – 5.26	10.2 / section 9	Ship Towing and Harbour Craft	<p>Has the use of harbour craft, especially tugs, been risk assessed?</p> <p>Are clear guidelines for ship towing and the use of tugs published by the port, and referred to in the Port Marine Operational Procedures Manual?</p> <p>Have non-routine towing assessments been completed as required?</p> <p>Are additional procedures in place for reduced visibility?</p> <p>Are procedures for the use of special directions available when guidelines cannot be applied?</p> <p>Do all small craft operated by the Authority have appropriate certificates (eg Small Commercial Vessel Certificate)?</p> <p>What qualifications do coxswains / crew have?</p> <p>Are they in date?</p> <p>Have local towing operators been checked (certification appropriate and in date)?</p>	

PMSC Reference	GTGP Reference	Subject	Evidence required for compliance	Comments
5.27	6.5	GLAs	<p>Date of last GLA inspection</p> <p>How are any defects promulgated?</p> <p>Evidence that any defects are being addressed.</p> <p>Evidence of review of Navigation Aids and consultation with users.</p>	
5.28- 5.30	6.5	Local Lighthouse Authority Duties	Evidence of consultation with GLA before harbour consents issued.	
5.31 – 5.32	6.6	Wrecks	Does the Port Marine Operational Procedures Manual refer to procedures for dealing with wrecks?	

Notes and General Comments

12. Appendix 4 - Marine SMS Overview



13. Appendix 5 – Harbour Authority Constitution

1. Role / Purpose

- 1.1 ABP is the Statutory Harbour Authority for 21 ports and harbours, including the Humber Estuary, and meets at the same time as the board of Teignmouth Quay Company Limited (a wholly owned subsidiary of ABP) which is the Statutory Harbour Authority for the port of Teignmouth (“the Ports”) for the purpose of considering the SHA matters set out in this Constitution. ABP is also the Competent Harbour Authority at a number of its ports and harbours, but does not provide pilotage services at all ports where it is the CHA.
- 1.2 Pursuant to, inter alia, the Harbour Docks Piers Clauses Act 1847, the Harbours Act 1964 (as amended), the Transport Act 1981, the Merchant Shipping Act 1995 and the Pilotage Act 1987, ABP is responsible for the provision of port facilities at the Ports and is required to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by ABP.
- 1.3 The Port Marine Safety Code and the Guide to Good Practice are published by the Department of Transport and applies to all harbour authorities. It represents good practice and establishes the principle of a national standard for every aspect of port marine safety.
- 1.4 Pursuant to the Port Marine Safety Code (PMSC), ABP has appointed the Harbour Board to be the “Duty Holder” and ABP has appointed a Marine Advisor to act as the ‘Designated Person’ under the PMSC.

2. Membership

- 2.1 Harbour Board members are the Chief Executive, Chief Financial Officer, Director Humber, Director Southampton, Director South Wales, Director Short Sea Ports, Director Engineering and Procurement, Director Quality and Compliance, Director Human Resources, Director Commercial. The Chief Executive shall act as chairman or, in his absence, the Chief Financial Officer.
- 2.2 The Chief Executive is responsible for the operational and financial control of the Harbour Board, overseeing implementation of its policies and decisions, and has overall executive responsibility for safety of operations and staff.
- 2.3 Each Harbour Board meeting will be attended by the Marine Advisor in his capacity as Designated Person and/or the Deputy Marine Advisor;
- 2.4 Each Harbour Board meeting will be attended by General Counsel (or deputy), Company Secretary (or deputy), and secretariat support.
- 2.5 The Chief Executive shall have power to co-opt such additional members as the Harbour Board shall agree is necessary or desirable in relation to its objectives.

3. Roles and Responsibilities

- 3.1 Harbour Board members are accountable, collectively and individually, for marine safety as defined in the Port Marine Safety Code (PMSC) at the Ports. This includes ensuring safe marine operations in ports, harbours and their approaches.

- 3.2 Harbour Board members will ensure that they notify, and consult with, the Marine Advisor in relation to any development or change in any of the Ports that may affect efficiency, economy or safety of operation within the port. The Marine Advisor will then consider whether the development or change is a matter for consideration by the Harbour Board.

3.3 The Harbour Board

As the Duty Holder, the Harbour Board is responsible for ensuring the ABP Board complies with its obligations, in relation to the Ports, by undertaking the following tasks:-

- a) To review and be aware of its existing powers based on local and national legislation;
- b) To comply with its duties and powers under existing legislation as appropriate, including in relation to its conservancy functions;
- c) To ensure all risks are formally assessed and eliminated to reduce all such risks to “as low as reasonably practicable” (ALARP) in accordance with good practice;
- d) To operate an effective Marine Safety Management System (MSMS) that has been developed after consultation and uses formal risk assessment;
- e) To use competent people (i.e. trained, qualified and experienced) in positions of responsibility for safety of navigation;
- f) To monitor, review and audit the MSMS on a regular basis;
- g) To publish a Safety Plan showing how the standard in the PMSC will be met and a report assessing the performance against the plan;
- h) To comply with directions from the General Lighthouse Authorities and supply information and returns as required;
- i) To maintain a strategic oversight and direction of all port/harbour operations affecting marine safety and conservation;
- j) To develop policies, plans, systems, and procedures for safe navigation;
- k) To ensure the Harbour Board seeks and adopts appropriate powers to effectively enforce its regulations;
- l) To set dues at a level to adequately fund the discharge of duties;
- m) To appoint a Marine Advisor to act as the Designated Person;
- n) To appoint Harbour Masters and Dock Masters – ensuring operational responsibilities and delegated powers are appropriately and clearly assigned to properly trained people, including the authorisation of marine pilots.

3.4 The Marine Advisor

- 3.4.1 The Marine Advisor will act as Designated Person (DP) to give independent assurance to the Harbour Board on the ongoing effectiveness of the Marine Safety Management System (MSMS) for which it is responsible; the MA and DMA will determine, through assessment and audit, the effectiveness of the MSMS in ensuring compliance with the PMSC.

- 3.4.2 The Marine Advisor/Deputy Marine Advisor will present a written report on port operations and developments affecting marine safety and conservation in the Ports at each Harbour Board meeting for discussion.
- 3.4.3 The Marine Advisor/Deputy Marine Advisor will provide familiarisation and refresher training to Harbour Board members regarding their role and responsibilities. Harbour Board members will undertake PMSC familiarity training within 2 months of appointment and refresher training every two years.

3.5 General Counsel

General Counsel will advise the Harbour Board on matters relating to existing powers, enforcement, and application for new powers and provide/obtain legal opinion on matters relating to PMSC compliance.

4. Reports

- 4.1 The Harbour Board will publish a safety plan for marine operations at least every three years
- 4.2 The Harbour Board will publish an annual performance assessment report relating to the safety plan and compliance with the PMSC generally
- 4.3 Once every 3 years the Chief Executive, on behalf of the Harbour Board, will write to the MCA to confirm compliance with the PMSC at the time of writing

5. Meetings

- 5.1 The Harbour Board will routinely meet six times per annum (bi-monthly); additional meetings can be called if extraordinary circumstances require this.
- 5.2 An agenda will be set for each meeting and minutes taken.

NOVEMBER 2015