

PORT MARINE SAFETY CODE

1.0 INTRODUCTION

- 1.1 This report provides Members with an update on the status of Argyll and Bute Council as Harbour Authority and it's compliance with the Port Marine Safety Code (PMSC).
- 1.1.1 It presents a proposed Harbour Consultation Policy for approval and inclusion in the Marine Safety Management Plan (MSMS) (Appendix 1).
- 1.1.2 It presents a Harbour and Pier use Policy for approval and inclusion in the MSMS (Appendix 2).
- 1.1.3 It presents a Collection of Fees Policy for approval and inclusion in the MSMS (Appendix 3).

2.0 RECOMMENDATIONS

- 2.1 Members of the Harbour Board are asked to:-
 - 2.1.1 Note and consider this report;
 - 2.1.2 Approve the Harbour Consultation Policy for inclusion with the Marine Safety Management System;
 - 2.1.3 Approve the Harbours and Pier use Policy for inclusion with the Marine Safety Management System; and
 - 2.1.4 Approve the Collection of Fees Policy for inclusion with the Marine Safety Management System.

3.0 DETAIL

3.1 Statutory Harbour Authority areas

3.1.1 Argyll and Bute Council is a Statutory Harbour Authority (SHA) at 8 locations and marine asset owner at a further 28 facilities. The SHA locations are:

1. Bruichladdich Pier, by virtue of the 'Islay Piers Order, 1904'.
2. Carradale Harbour, by virtue of the 'Pier and Harbour Orders Confirmation (No 3) Act, 1901'.
3. Campbeltown Harbour, by virtue of 'Campbeltown Harbour Acts and Orders 1846 to 2011'. In addition, the Council is also the Competent Harbour Authority in respect of Pilotage, under the requirements of the Pilotage Act 1987, at Campbeltown Harbour.
4. Craignure Harbour, by virtue of the 'Argyll County Council (Arinagour and Craignure Piers, etc) Order 1961'.
5. Dunoon Harbour, by virtue of 'The Pier and Harbour Orders Confirmation Acts 1895 to 1906'.
6. Oban North and South Pier, by virtue of the 'Oban Pier and Harbour Orders 1862 to 1988'.
7. Port Askaig, by virtue of the 'Port Askaig Acts and Order 1904 to 1975'.
8. Rothesay Harbour, by virtue of the 'Rothesay Harbour Acts and Orders 1831 to 1937'.

3.2 Compliance with the PMSC

3.2.1 Argyll and Bute Council achieves compliance with the PMSC by implementing, monitoring and reviewing the MSMS. The MSMS includes the Policies and procedures which seek to enhance the safety at all our facilities and is externally audited by the Designated Person.

3.2.2 The audits carried out at Rothesay Harbour, Port Askaig, Bruichladdich Pier and Port Charlotte during 2023 identified through evidence sampled during the audit and onsite observations, that the Council has met the requirement of the Port Marine Safety Code.

3.2.3 Although the Council is in compliance with the PMSC (the Code) as it stands at present, the Code itself is undergoing a review with a new publication due in the coming months.

3.2.4 The Duty Holder is therefore required to submit a declaration of compliance to the Maritime and Coastguard Agency (MCA) only after the new Code is available and external Assurance Audit confirms compliance with the 'new' version's provisions.

3.3 Policies for inclusion with the MSMS.

3.3.1 Marine Policy statements assist with public and facility user understanding and clarify the intentions of the Harbour Authority.

3.3.2 Argyll and Bute Council Harbour Board has approved a set of policies in support of the management and regulation of marine operations that aim to safeguard our facilities, our customers, the public and the environment within our jurisdictions.

To date the Policies approved by the Harbour Board are:

- Marine Conservancy and Hydrographic Policy;
- Navigational Safety, Pilotage and Towage Policy;
- Marine Training Policy;
- Enforcement Policy; and
- Moorings Policy.

3.3.3 Three new Policies are presented as Appendix 1, 2 and 3.

3.3.4 The Harbour Consultation Policy formalises the agreement that as Harbour Authority Argyll and Bute Council will consult as required by the Code.

3.3.5 The Port Marine Safety Code emphasises the importance of effective consultation by all Harbour Authorities with all stakeholders and beneficiaries. This includes all those who use our harbours in some way, as well as those that represent them.

3.3.6 The Harbours and Pier use Policy sets out general 'Port Rules'.

3.3.7 Compliance with the Port rules help to ensure we maintain health, safety, security and order at Argyll and Bute Council ports and piers and indicates that it is a condition of entry that Port Rules are complied with.

3.3.8 The Collection of Fees Policy explains why charges are collected and that 'Fees and Charges' are an essential part of port operations to help ensure services and infrastructure are maintained for all users.

3.3.9 The Policy references the registering of working vessels, payment of fees, service agreements and enforcement issues. It is an important statement for clarity in what the Harbour Authority and asset owner expects from its paying customers.

4.0 CONCLUSION

4.1 This report provides Members with an update on the status of Argyll and Bute Council as Harbour Authority and its compliance with the Port Marine Safety Code (PMSC).

It presents a proposed Harbour Consultation Policy, Harbours and Pier use Policy and a Collection of Fees Policy for approval and inclusion in the Marine Safety Management Plan (MSMS).

5.0 IMPLICATIONS

- 5.1 Policy - None directly arising from this report.
- 5.2 Financial - None arising from this report.
- 5.3 Legal - Failure to comply with the PMSC could have legal consequences following a marine incident.
- 5.4 HR – None.
- 5.5 Fairer Scotland Duty:
 - 5.5.1 Equalities - protected characteristics - None arising from this report.
 - 5.5.2 Socio-economic Duty - None directly arising from this report.
 - 5.5.3 Islands - Compliance with the PMSC will help ensure safe and effective port operations.
- 5.6 Climate Change - Due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 5.7 Risk - Compliance with the PMSC will minimise the risk of port operations.
- 5.8 Customer Service - Compliance with the PMSC will assure customers and port users; and assist council staff with safe operations.
- 5.9 The Rights of the Child (UNCRC) - None directly arising from this report.

Kirsty Flanagan, Executive Director with responsibility for Roads and Infrastructure Services

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APPENDICES

Appendix 1 - Harbour Consultation Policy

Appendix 2 - Harbours and Pier use Policy

Appendix 3 - Collection of Fees Policy