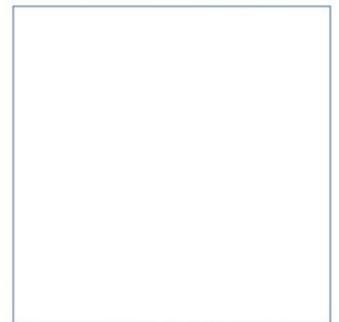
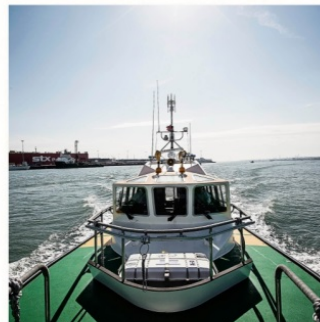
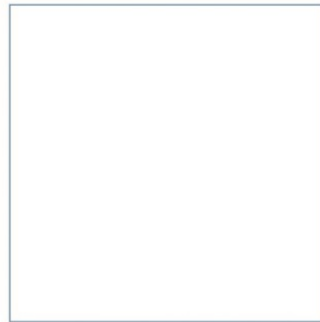


Angus Council

# Port Marine Safety Code

Audit: Arbroath Harbour 2021

October 2021



Innovative Thinking - Sustainable Solutions

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# Port Marine Safety Code

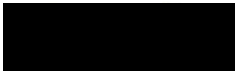


Audit: Arbroath Harbour 2021

October 2021



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## Author

M.J. Smedley

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# 1 The Port Marine Safety Code

The Port Marine Safety Code ('the Code') sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses, or works in, the UK port marine environment. It is authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT, 2016).

In reading this audit report, the Council and Duty Holder should note the following extract from the Code:

*"The Code does not contain any new legal obligations but includes (amongst other things) references to the main legal duties which already exist. Failure to comply is not an offence in itself. However, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties. Moreover, the organisation may suffer reputational damage if it has publicly committed to the Code's standards and then fails to meet them."*

(DfT, 2016)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.	1.6-1.8, 1.10, 1.16-1.17
2	Designated Person	A 'Designated Person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the Duty Holder.	1.11-1.12
3	Legislation	The Duty Holder must review and be aware of their existing powers based on local and national legislation; seeking additional powers if required in order to promote safe navigation.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
9	Plan	Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan at least every 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

## 1.1 About the Harbour Authority

Angus Council is the Statutory Harbour Authority (SHA) for Arbroath Harbour through the provision of the 'Arbroath Harbour Acts and Order 1839 to 1919'. Angus Council is also the Local Lighthouse Authority (LLA) with respect to aids to navigation by virtue of Section 193 of the Merchant Shipping Act 1995. The port is a Municipal Harbour Authority, being owned and operated by the Council. The Harbour Undertaking was transferred to the Town Council by the 'The Arbroath Harbour Order Confirmation Act 1919' with the dissolving of the previous Trustees property, powers, authorities, privileges, rights, jurisdictions, obligations, and exemptions. Angus Council is not a Competent Harbour Authority with respect to Pilotage. The harbour limits are shown in Figure 1.

Arbroath Harbour is used by inshore fishing boats, commercial vessels offering day trips to anglers and sightseers, a boat builder, plus recreational craft including yachts and powerboats. Arbroath Harbour is a tidal harbour with a fish market built on the pier between two basins. The basins are split into the inner which is a rectangular wet dock formerly the Old Harbour and the Outer Harbour, or New Harbour, formed as a rectangular tidal basin (Aberdeenshire Council, 2021).

The Outer Harbour quay walls provide berthing over the high-water period and for any vessels where it is safe to lay aground at low water. A mechanical patent slipway is available in the Outer Harbour, which can pull vessels of up to 28 m (92 feet) and maximum weight of 120 tonnes (Sail Scotland, 2021). There is a two-leafed bascule bridge over the entrance to the patent slip for pedestrian access around the dock. There is also a Wise Boat Hoist which can lift vessels in and out of the water up to a limit of 25 tonnes, the slipway is used by Mackay Boat Builders who have operated in Arbroath since 1967 (Port of Scotland, 2020).

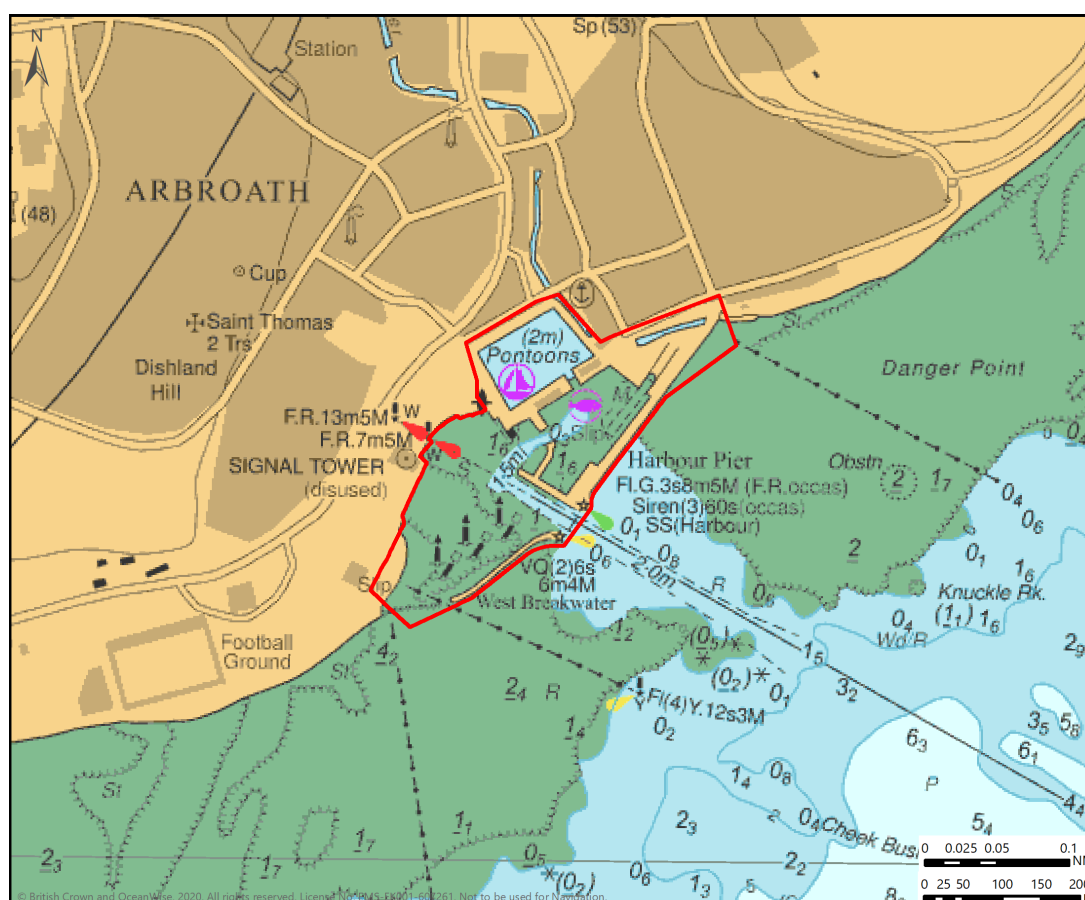


Figure 1 Harbour Limits

## 2 Purpose and Method

### 2.1 Audit scope

Angus Council has contracted ABPmer to provide Designated Person services for the Council at Arbroath Harbour. Part of this service includes the provision of annual auditing to establish if the Harbour Authority is compliant with the requirements of the Port Marine Safety Code (PMSC). The scope of the audit includes a review of Harbour Authority performance against the standard laid out within the latest edition of the Code. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

### 2.2 Audit definitions and outcomes

The following definitions are used in the audit report:

**Non-compliance:** is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The Port Marine Safety Code requires organisations to confirm compliance with the requirements of the Code. Therefore, Port Marine Safety Code audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

**Non-conformity:** is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the port or harbour's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

**Evidence:** Non-compliances and Non-conformities are identified through factual evidence sampled during the audit.

#### 2.2.1 Outcomes

The audit report uses the following outcomes:



**Non-Compliance:** a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



**Observation:** refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with local operating instructions. Whilst observations are defined as improvement opportunities, addressed them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



**Satisfactory:** a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

**Not applicable:** part of the Code that is not relevant to the Organisation being audited.



## 2.3 Audit date and criteria

The audit was carried out on-site at Arbroath Harbour on the 20 September 2021. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), has been used as the benchmarking standard within Appendix A. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

In addition, within Appendix B the Health and Safety Executive (HSE) publication L148 'Safety in Docks: Approved Code of Practice and Guidance' (ACOP) (HSE, 2014) and the Port Skills and Safety (PSS) publications SIP 005 'Guidance on Mooring' (PSS, 2020) and SIP 014 'Guidance on Safe Access and Egress' (PSS, 2019) have been used. The Appendix tables to this report contain the test questions and evidence, noting down conformity, non-conformity and observational remarks.

## 2.4 Auditor

The following auditor conducted this audit.

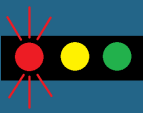

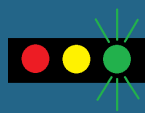
Team Member	Initials	Company, Designation
Monty Smedley	MJS	ABPmer, Principal Maritime Consultant Lead Auditor for Quality Management Systems (QMS ISO 9001) Designed Person (PMSC) Angus Council

## 2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Bruce Fleming	BF	Team Leader – Arbroath Harbour Master
Mark Salmond	MS	Councillor – Duty Holder – Convener of Communities Committee

### 3 Audit Summary

Number	Key Measures Ten-point 'health check'			
1	Duty Holder	0	3	5
2	Designated Person	0	1	2
3	Legislation	0	1	6
4	Duties and Powers	1	6	33
5	Risk Assessment	0	3	5
6	MSMS	0	3	11
7	Review and Audit	0	1	4
8	Competence	1	3	2
9	Plan	0	0	2
10	Aids to Navigation	0	0	2
<b>Total</b>		<b>2</b>	<b>21</b>	<b>72</b>

The summary presented in the above table identifies that, for the ten-point health-check, Angus Council as the Statutory Harbour Authority for Arbroath Harbour is found **not to be fully compliant** with the requirements of the Port Marine Safety Code. The following non-compliances were recorded:

- Appendix 2 to the Marine Safety Management System lists mandatory and optional training for harbour staff. This list was tested against the Authority's certification and competency records. The following mandatory training items could not be evidenced:
  - Manual Handling Training.
- The Harbour Authority does not conduct bathymetric surveys, hence there is no hydrographic information to publish; furthermore, there is no data to pass to the UK Hydrographic Office (UKHO). This is a conservancy duty which the Council as Harbour Authority is not discharging.

The PMSC audit identified 21 observations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A. Marine operations and quayside checks were also carried out, 5 observations were identified, the detailed findings being presented in Appendix B. The following points identify the more significant items:

- The review of risk assessments identified a number of hazard scenarios that are not addressed but are considered relevant given the types of vessels and operations carried out at the harbour. These include, flooding/sinking, fire onboard a commercial vessel or recreational vessel, collision (vessel to vessel) in the harbour and an impact (vessel with infrastructure).
- Given the lifting and hoisting tasks carried out in the harbour by Council employees, a suitable training course to underpin knowledge for rigging, slinging and lifting operations, with an overview of the Lifting Equipment Regulations (LOLER) should be part of training provision.
- Scheduled exercises for oil pollution response and the emergency plan would be beneficial for staff training and familiarisation.
- The creation of a downloadable navigation guidance for visiting vessels to assist with arrival and port passage planning would be beneficial.

- Harbour Assistants working near the quay edge were not wearing lifejackets. A review of the risk assessment and Safe System of Work for quayside marine working should be undertaken with the risk of falls into the water assessed. Industry best practice mitigation (lifejacket or integral lifejacket and coat) should be put in place if identified through the risk assessment process.

The following points of best practice are noted:

- Provision and maintenance of Aids to Navigation is recognised as an area of best practice with a 100% availability statistic across all categories of Aid.
- The Council has a consistent and measurable commitment to providing safe and efficient marine operations at Arbroath Harbour. Since 2003 there has been an ongoing programme of infrastructure investment and improvement including a new marina, dock gate installation, an environmental enhancement project, resurfaced black shed quay, upgraded fish market, refuelling facility, boat hoist, walk-in refrigeration unit and new pontoon berthing in the outer harbour. The resulting facilities deliver the duty of 'safe and efficient port marine operations' through investment, this is recognised as an area of best practice.

## 4 References

Aberdeenshire Council, 2021. Angus HER - NO64SW0028 - Arbroath Harbour. Accessed: 22-April 2021. <https://online.aberdeenshire.gov.uk/smrpub/master/detail.aspx?Authority=ANG&refno=NO64SW0028>

Department for Transport (DfT), 2016. Port Marine Safety Code, Department for Transport (DfT) a, November 2016.

Department for Transport (DfT), 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016, Department for Transport (DfT), February 2018.

Health and Safety Executive (HSE), 2014. 'Safety in Docks: Approved Code of Practice and Guidance' (ACOP)', Publication L148.

ISO, 9001: Quality Management Systems. International Organization for Standardization.

Maritime and Coastguard Agency (MCA), 2018. Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom. Marine Guidance Note: MGN 401 (M+F) Amendment 2. Maritime & Coastguard Agency, October 2018.

Ports of Scotland, 2020. Yearbook, 39th Edition.

Port Skills and Safety (PSS), 2019. Guidance on Safe Access and Egress, SIP 014. September 2019. <https://www.portskillsandsafety.co.uk/resources/sip014-guidance-safe-access-and-egress>

Port Skills and Safety (PSS), 2020. Guidance on Mooring, SIP 005. November 2020. <https://www.portskillsandsafety.co.uk/resources/sip-005-guidance-mooring-operations>

Reeds, 2021. Eastern Almanac 2021.

Sail Scotland, 2021. Arbroath Harbour. Accessed: 22-April 2021. <https://www.sailscotland.co.uk/sail/arbroath-harbour>

### 4.1 Websites

[https://www.angus.gov.uk/directories/document\\_category/marine\\_safety\\_plan\\_and\\_marine\\_policies](https://www.angus.gov.uk/directories/document_category/marine_safety_plan_and_marine_policies)

[https://www.angus.gov.uk/media/arbroath\\_harbour\\_byelaws\\_pdf](https://www.angus.gov.uk/media/arbroath_harbour_byelaws_pdf)

[https://www.angus.gov.uk/visitors\\_and\\_tourism/arbroath\\_harbour/arbroath\\_harbour\\_byelaws\\_and\\_management\\_rules](https://www.angus.gov.uk/visitors_and_tourism/arbroath_harbour/arbroath_harbour_byelaws_and_management_rules)

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[https://www.angus.gov.uk/visitors\\_and\\_tourism/arbroath\\_harbour/charges\\_at\\_arbroath\\_harbour](https://www.angus.gov.uk/visitors_and_tourism/arbroath_harbour/charges_at_arbroath_harbour)

## 5 Abbreviations/Acronyms

ACOP	Approved Codes of Practice
AHJCC	Arbroath Harbour Joint Consultative Committee
AIS	Automatic Identification System
ALRS	Admiralty List of Radio Signals
CAT	Category
CERS	Consolidated European Reporting System
CHA	Competent Harbour Authority
COVID	Coronavirus
DfT	Department for Transport
DRA	Dynamic Risk Assessment
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act 847
HER	Historic Environment Record
HSE	Health and Safety Executive
IMO	International Maritime Organization
IOSH	Institute of Occupational Safety and Health
ISO	International Organization for Standardization
KPI	Key Performance Indicator
LATON	Local Aids to Navigation
LLA	Local Lighthouse Authority
LOLER	Lifting Equipment Regulations
LPS	Local Port Service
LSE	Lifesaving equipment
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MSMS	Marine Safety Management System
n/a	Not Applicable
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
PEC	Pilotage Exemption Certificates
PFSP	Port Facility Security Plan
PMSC	Port Marine Safety Code
PPE	Personal Protective Equipment
PSS	Port Skills and Safety
QMS	Quality Management System
RDCO	Registered Dealer in Controlled Oils
RNLI	Royal National Lifeboat Institution
SAC	Special Areas of Conservation
SEPA	Scottish Environment Protection Agency
SHA	Statutory Harbour Authority
SIP	Safety in Ports
SOP	Standard Operating Procedure
SOSREP	Secretary of State's Representative
SPA	Special Protection Areas
SSOW	Safe System of Work
SSSI	Sites of Special Scientific Interest

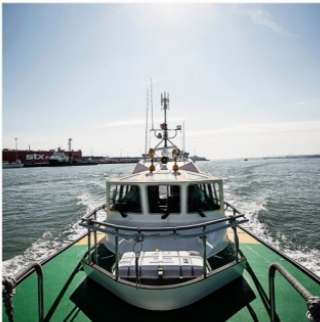
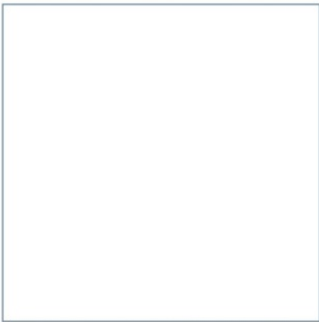
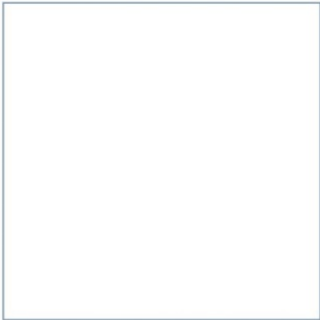
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SWL	Safe Working Load
UHF	Ultra High Frequency
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VHF	Very High Frequency
VTS	Vessel Traffic Service

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

# Appendices



Innovative Thinking - Sustainable Solutions

# A Detailed Audit Findings

## A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation's Duty of Care for users of the harbour, port of facility stated?	<b>Satisfactory</b> – Angus Council's Marine Safety Management System (MSMS) for Arbroath Harbour, version 1, issued in May 2021 states in Section 1.2 that: <i>"As a SHA, Angus Council recognises its statutory duties in relation to safe and efficient port marine operations. This includes the Council's duty of care to those using the harbour which is recognised as an obligation to conserve and facilitate the safe use of the harbour"</i> .		MJS_001	MJS
		Are local Acts and Orders identified?	<b>Satisfactory</b> – the MSMS Section 2.1.2 'Local Legislation' lists relevant local Acts and Orders of which five are identified, namely: <ul style="list-style-type: none"> <li>▪ An Act for extending improving regulating and managing the harbour of the Royal Burgh of Aberbrothwick in the County of Forfar, 1839</li> <li>▪ The Aberbrothwick Harbour Act, 1864</li> <li>▪ Aberbrothwick Harbour Order, 1877</li> <li>▪ Aberbrothwick Harbour Finance Act, 1897</li> <li>▪ The Arbroath Harbour Order Confirmation Act, 1919.</li> </ul>		MJS_001	MJS
		Is the Harbour, Docks and Piers Clauses Act (HDPCA) 1847 incorporated into local Acts and Orders?	<b>Satisfactory</b> – the MSMS Section 2.1.3 states: <i>"The Harbours, Docks and Piers Clauses Act 1847 is included within the 'The Arbroath Harbour Order Confirmation Act, 1919' by virtue of Section 4 of the 1919 Act. This includes all sections of The Harbours, Docks and Piers Clauses Act 1847, except:</i> <ul style="list-style-type: none"> <li>▪ Section 6 to 13;</li> <li>▪ Section 16 to 19;</li> <li>▪ Sections 23, 25, 26, 30, 32, 50, 79, 80, 93; and</li> <li>▪ Sections 95 to 101".</li> </ul>		MJS_001	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.6 – 1.7	The Duty Holder	Has the organisation appointed and confirmed who the Duty Holder is?	<b>Satisfactory</b> – the Communities Committee is the Duty Holder. The MSMS, Section 1.3 lists the duties of the Duty Holder. The Communities Committee is comprised of 16 members, all of whom are Councillors, including the Convenor (Chair).		MJS_001	MJS
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	<b>Satisfactory</b> – the MSMS, Section 1.3 lists the duties of the Duty Holder. The Convenor of the Communities Committee has signed all relevant Angus Council policies relating to Arbroath Harbour on behalf of the Duty Holder. These are hosted on the Council's website.		MJS_001 MJS_004 MJS_005 MJS_006 MJS_007	MJS
1.10	The Duty Holder	Does the Duty Holder (Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	<p><b>Satisfactory</b> – the Communities Committee receive information from officer of the Authority, presented as technical reports to Committee. The Communities Committee is also informed through the Arbroath Harbour Joint Consultative Committee (AHJCC).</p> <p><b>Observation</b> – the Duty Holder has not visited the harbour as a group for a briefing on harbour operations.</p> <p><b>Observation</b> – periodic briefing to the Duty Holder on progress towards the objectives set in the Marine Safety Plan, any changes to the MSMS the Designated Person's quarterly update on industry information should be considered.</p>	<p><b>Recommendation</b> – the arrangement of a visit by the Duty Holder group to tour the harbour.</p> <p><b>Recommendation</b> – the Council should consider how best to brief the Duty Holder on documents and developments 'noted for interest' where items are relevant to the role but are not formal submissions for approval and issue.</p>	MJS_001	MJS
		Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	<b>Satisfactory</b> – out of the 16 Councillors of the Communities Committee (Duty Holder) 13 have attended Duty Holder training run on the 07 September 2021. The Marine Safety Plan has an objective of 100% attendance on the Duty Holder training course by the completion date of the plan in August 2024.		MJS_008	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	<p><b>Satisfactory</b> – the Duty Holder has appointed ABPmer to provide Designated Person services, with Monty Smedley as the named Designated Person. This contract commenced on 01 January 2021.</p> <p><b>Observation</b> – the Designated Person’s contact details are not available to port employees or the harbour community (stakeholders).</p>	<p><b>Recommendation</b> – the Designated Person’s contact details are made available, for example, on the Council’s website.</p>	n/a	MJS
		Is the Designated Person’s role explained in the MSMS?	<p><b>Satisfactory</b> – the MSMS, Section 1.3 lists the duties of the Designated Person for Angus Council.</p>		MJS_001	MJS
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	<p><b>Satisfactory</b> – the MSMS, Section 1.5 lists the responsibilities of the Chief Executive, stating: <i>“The Chief Executive is accountable for the operational and financial control of the Council. The Chief Executive will advise the Council on all matters related to its duties and powers, with appropriate advice from other officers”.</i></p>		MJS_001	MJS
		How is marine safety funded within the organisation?	<p><b>Satisfactory</b> – funding is identified and agreed through the Council’s approvals process. Officers of the Authority have delegated spending powers within their spending limits. All significant funding decision comes to Committee, expenditure is discussed and voted on by the Committee. An example of approval for spending is the collapse of the outer quay, where funding was agreed – at a repair cost of <i>circa</i> £350K.</p>		n/a	MJS
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	<p><b>Satisfactory</b> – the MSMS, Section 1.6 states that: <i>“The Harbour Master is accountable to the Duty Holder for the discharge of the role in accordance with the standard of the Code. The appointee is responsible for delivering the Marine Safety Policy”.</i> Section 1.6 lists specific duties.</p>		MJS_001 MJS_006	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.9, 1.14 – 1.15	Cont. Harbour Master	Does an officer with responsibilities for marine safety attend Board meetings?	<b>Satisfactory</b> – three times a year, a report by the Service Leader – Roads & Transportation is presented to the Arbroath Harbour Joint Consultative Committee (AHJCC). The minutes of these meetings are subsequently presented to the Communities Committee (Duty Holder) by the Director of Infrastructure for approval.		MJS_009	MJS
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	<b>Satisfactory</b> – the MSMS, Section 1.7 lists the responsibilities of the Organisation's Officers (including Harbour Assistants).  <b>Observation</b> – it was not clear how the contents of Section 1.7 have been drawn to the attention of Harbour Assistants.	<b>Recommendation</b> – consider ways in which the MSMS and the contents of Section 1.7 can be drawn to the attention of Harbour Assistants, for example through toolbox talks or training briefings. This should be documented in training records and as future audit evidence.	MJS_001	MJS

## A.2 PMSC Section 2 – Key Measures Needed to Secure Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> <li>MAIB digest / reports</li> <li>MCA health check trends</li> </ul>	<p><b>Satisfactory</b> – the MCA Health Checks trends and relevant MAIB investigations are included in the Designated Person’s quarterly briefing note to Angus Council.</p> <p><b>Observation</b> – the Designated Person’s quarterly update on industry information should be provided to the Duty Holder. It may be necessary for a covering email or note to identify if any topics are of direct relevance to Arbroath Harbour.</p>	<p><b>Recommendation</b> – consider an appropriate method of distributing information, for example, outside of formal Committee papers via email.</p>	MJS_010	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	<b>Satisfactory</b> – the MSMS Section 2.1 ‘Review of Existing Powers’ lists relevant National Legislation, local Acts and Orders and the HDPCA 1847.		MJS_001	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	<b>Satisfactory</b> – the MSMS Section 2.1.2 ‘Local Legislation’ lists relevant local Acts and Orders.		MJS_001	MJS
		Have the Harbour Authority’s existing powers been reviewed?	<p><b>Satisfactory</b> – the local Acts and Order, and the Byelaws have been reviewed as part of the recent update to the MSMS.</p> <p><b>Observation</b> – it is not known if Council Legal Services hold copies of the Arbroath Harbour Acts and Orders.</p>	<p><b>Recommendation</b> – providing the Acts and Orders to Council Legal Services to hold on-file.</p>	MJS_001 MJS_002	MJS
		Is the organisation’s jurisdiction mapped and clear?	<b>Satisfactory</b> – the MSMS Section 1.1.2 provides three images of the harbour limits. Arbroath Harbour’s limits are set out in ‘The Arbroath Harbour Order Confirmation Act 1919’, Section 11 which describes the prescribed limits.		MJS_001	MJS
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Have risks associated with marine operations been assessed and a means of controlling them deployed?	<b>Satisfactory</b> – risk assessments are in place for harbour operations, all assessments were in-date at the time of audit. Each risk assessment (other than COVID-19) is linked to an associated Safe System of Work (SSOW). The SSOW contains the Standard Operating Procedure (SOP) for Harbour Assistants to follow.		MJS_001 MJS_011	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor	
Cont.  2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Cont.	<p>Cont.</p> <p>Have risks associated with marine operations been assessed and a means of controlling them deployed?</p>	<p><b>Observation</b> – the following hazard scenarios are not addressed in the existing set of risk assessments and were considered relevant given the types of vessels and operations carried out at the harbour:</p> <ul style="list-style-type: none"> <li>▪ Flooding/sinking hazard scenario</li> <li>▪ Fire onboard a commercial vessel</li> <li>▪ Fire onboard a recreational vessel</li> <li>▪ Collision (vessel to vessel) in the harbour</li> <li>▪ Impact (vessel with infrastructure)</li> </ul>	<p><b>Recommendation</b> – the creation of additional marine risk assessments to cover the hazards of vessel operations/movements within the harbour.</p>	MJS_001 MJS_011	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	<p><b>Satisfactory</b> – the Harbour Master has undertaken an internal Council e-learning training course on risk assessment.</p> <p><b>Observation</b> – whilst the Harbour Master has attended the Council’s e-learning training on risk assessment, which provides a core of knowledge, Harbour Masters and Marina Managers typically broaden their knowledge base through attendance on management level health and safety training.</p>	<p><b>Recommendation</b> – given the breadth of duties and responsibilities covered by the Harbour Master, it is recommended that an Institute of Occupational Safety and Health (IOSH) Managing Safety course is attended to underpin managerial safety and management knowledge.</p>	MJS_001 MJS_011	MJS	
		Are stakeholders included in marine risk review/assessments?	<p><b>Satisfactory</b> – risk assessments are conducted with the Senior Harbour Assistant.</p> <p><b>Observation</b> – for risk assessments involving fires, flooding, collisions and contact; the knowledge base of the Harbour Assistants (who are former-fishermen) would be appropriate.</p>	<p><b>Recommendation</b> – include the whole harbour team in risk assessment review, and where appropriate, members of the harbour stakeholder community. Document in the assessment meta-data, the attendance at risk assessment creation and review.</p>	MJS_001 MJS_011	MJS	
		Does the MSMS prescribe the review frequency for risk assessments?	<p><b>Satisfactory</b> – the MSMS Section 2.2.1, states that: <i>“All marine risk assessments are reviewed on an annual basis. Assessments are also considered following a marine incident, which may prompt a revision to the assessment risk outcome or risk control measures”.</i></p>		MJS_001	MJS	
		Is a system of Dynamic Risk Assessment (DRA) used?	<p><b>Satisfactory</b> – the MSMS Section 2.2.2 addresses the way in which DRA is applied at Arbroath Harbour.</p>		MJS_001	MJS	

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	<p><b>Satisfactory</b> – Angus Council’s MSMS for Arbroath Harbour is issued as version 1, dated May 2021.</p> <p><b>Observation</b> – the authorisation page in the MSMS has a blank entry for ‘Duty Holder’.</p>	<p><b>Recommendation</b> – a date should be added once the Duty Holder has received a briefing on the MSMS.</p>	MJS_001	MJS
2.15	MSMS standards and Key Performance Indicators (KPIs)	Does the MSMS detail KPIs and/or make a statement about performance in the organisation’s annual report?	<b>Satisfactory</b> – Angus Council’s key performance indicators are identified in the ‘Marine Safety Plan’ as specific objectives with measurable outcomes.		MJS_006	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	<b>Satisfactory</b> – the MSMS Section 1 ‘Accountability’ specifically assigns responsibility for safety and conservancy to key post holders in the Harbour Authority.		MJS_001	MJS
2.17	MSMS Consultation	Are forum/consultation meetings held?	<b>Satisfactory</b> – the MSMS Section 2.8 addresses ‘Consultation and Consensus’, this states that: <i>“The Code requires facilities to maintain consensus with users and stakeholder regarding marine operations. To fulfil this requirement, Angus Council conduct consultation with the Arbroath Harbour Joint Consultative Committee (AHJCC)”</i> .		MJS_001	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p><b>Non-compliance</b> – the MSMS Appendix 2 Training Matrix identifying mandatory training was tested against certification and competency records. The following mandatory training items could not be evidenced:</p> <ul style="list-style-type: none"> <li>Manual Handling Training.</li> </ul> <p><b>Observation</b> – given the lifting and hoist tasks carried out in the harbour by Council employees, a training course to underpin knowledge for rigging, slinging and lifting operations would be highly desirable.</p>	<p><b>Recommendation</b> – mandatory training is completed as soon as practical.</p> <p><b>Recommendation</b> – a suitable course covering rigging, slinging, and lifting operations, with an overview of the Lifting Equipment Regulations (LOLER) should be part of training provision.</p>	MJS_001 MJS_040 MJS_041	MJS
		Is there a policy on revalidation or maintenance of qualifications in place?	<b>Satisfactory</b> – a signed Marine Training Policy is available from the Council’s website.		MJS_007	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont.  2.18	Cont.  Competence standards	Is there a list of the organisation's staff, training received, qualifications held and/or experience required for their role?	<p><b>Satisfactory</b> – the MSMS Appendix 2 provides a Training Matrix, with each role in Arbroath Harbour listed by job title. Mandatory (M) and Optional (O) training is identified. Training certification is held in hard copy, in the harbour office, listed against each person's name.</p> <p><b>Observation</b> – a summary of staff training records, indicating date completed and expiry date (for any certificates that expire) would be useful as a look-up list.</p> <p><b>Observation</b> – there is currently no method of establishing or recording competency in line handling.</p>	<p><b>Recommendation</b> – developing a summary view of staff training, for example, as a spreadsheet.</p> <p><b>Recommendation</b> – a competency check sheet for line handling should be developed.</p>	MJS_012 MJS_013 MJS_014 MJS_015	MJS
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> <li>▪ reporting</li> <li>▪ recording of incidents</li> <li>▪ investigation</li> <li>▪ enforcement (if relevant).</li> </ul>	<p><b>Satisfactory</b> – the MSMS Section 2.5 details the process to follow should an incident occur. This addresses report, investigation and subsequent enforcement action (if required). There are limited accident and incident records on file for Arbroath Harbour, since 2017 the records identify that:</p> <ul style="list-style-type: none"> <li>▪ 2020 = no incidents</li> <li>▪ 2019 = no incidents</li> <li>▪ 2018 = 4x incidents (3x diesel spill, 1x adrift vessel)</li> <li>▪ 2017 = 1x diesel pollution incident</li> </ul> <p><b>Observation</b> – incident records are kept as a hard copy, with a report form and investigation form plus supporting evidence/notes.</p> <p><b>Observation</b> – a proforma for incident reports and investigations would be useful.</p>	<p><b>Recommendation</b> – a log of incidents is created as a summary, identifying date, incident type and name.</p> <p><b>Recommendation</b> – adapting the current pollution report to cover all incident types.</p>	MJS_017 MJS_018 MJS_019	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	<b>Satisfactory</b> – the Harbour Master and Harbour Assistants have developed a supportive collaboration with the Police. Local Community Police routinely visit the harbour, <i>ad hoc</i> patrols are carried out during the evening and at night. The Police attend the AHJCC and report on actions taken relevant to the harbour.		MJS_016	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	<b>Satisfactory</b> – incident reports are distributed to the Scottish Environment Protection Agency (SEPA) and the Maritime and Coastguard Agency (MCA).		MJS_017 MJS_018 MJS_019	MJS
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	<b>Satisfactory</b> – the MSMS Section 2.5 details the process to follow should an incident need reporting to the MAIB. No reports have been made to the MAIB since at least 2017.		n/a	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	<b>Satisfactory</b> – this audit (which constitutes the first review of the MSMS).		n/a	MJS
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	<b>Satisfactory</b> – the MSMS Section 2.6 details enforcement powers and responsibilities as applied to Arbroath Harbour. The principal rules used in the harbour are laid out in the Council's website in the 'Arbroath Harbour Byelaws and Management Rules' page.		<a href="https://www.angus.gov.uk/visitors_and_tourism/arbroath_harbour/arbroath_harbour_byelaws_and_management_rules">https://www.angus.gov.uk/visitors_and_tourism/arbroath_harbour/arbroath_harbour_byelaws_and_management_rules</a>	MJS
		Is there a policy on enforcement and prosecution in place?	<b>Satisfactory</b> – a signed and issued policy is hosted on the Council's website.		MJS_005	MJS
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	<b>Satisfactory</b> – this requirement is evidence through the publication of PMSC policy and plans on the Council's website.		<a href="https://www.angus.gov.uk/directories/document_category/marine_safety_plan_and_marine_policies">https://www.angus.gov.uk/directories/document_category/marine_safety_plan_and_marine_policies</a>	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	<b>Not applicable</b> – the 'Marine Safety Plan' was issued this year and cannot therefore be reviewed until it completes on the 31 August 2024.		n/a	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	<b>Satisfactory</b> – a signed and issued Marine Safety Plan is downloadable from the Council's website.		MJS_003	MJS
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users and service providers about safe navigation?	<b>Satisfactory</b> – the Council hold the 'Arbroath Harbour Joint Consultative Committee' (AHJCC) meeting for harbour liaison. The last meeting was held on 21 May 2021 and is attended by the Harbour Master, the Council's Service Leader for Roads and Transportation and representative Councillors. Harbour users including the Fishermen, the Arbroath Sailing and Boating Club, charter boat owners, the RNLI, Mackay Boatbuilders and local police are in attendance.		MJS_016	MJS
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	<b>Satisfactory</b> – the Council wrote to the MCA to confirm its current state of compliance with the Code. Letter evidenced.		MJS_039	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations within its jurisdiction comply with the requirements of the Code?	<b>Satisfactory</b> – there are no other Organisations operating marine facilities within the jurisdiction of the Harbour Authority.		n/a	MJS

### A.3 PMSC Section 3 – General Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	<p><b>Satisfactory</b> – a commitment to safe and efficient marine operations is made in the Marine Safety Plan and the MSMS, Section 1.2. The Council is committed to the development of Arbroath Harbour, there have been notable infrastructure improvements and upgrades since 2003, including:</p> <ul style="list-style-type: none"> <li>▪ the development of a 59 berth marina in the inner harbour between 2003 and 2005.</li> <li>▪ dock gates installation in 2004.</li> <li>▪ environmental enhancement projects in 2008 (including hard landscaping, seating areas, new bins, replacement signage, etc.).</li> <li>▪ the upgrade to the fish market with new lifting facilities and quayside shed.</li> <li>▪ Installation of fuel facility in 2011.</li> <li>▪ boat hoist in 2014.</li> <li>▪ improvements to berthing in the outer harbour, including new pontoons in 2019.</li> <li>▪ Walk in refrigeration unit in 2019.</li> </ul> <p>The resulting facilities deliver the duty of 'safe and efficient port marine operations' through investment, this is recognised as <b>an area of best practice</b>.</p>		MJS_001 MJS_003	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty?	<p><b>Satisfactory</b> – Angus Council has an Open Port Duty through the inclusion of Section 33 of the 'Harbours, Docks and Piers Clauses Act 1847' into the 'The Arbroath Harbour Order Confirmation Act, 1919'.</p>		MJS_002	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.6 – 3.6	Conservancy duty	<p>How does the harbour authority conserve the harbour?:</p> <ul style="list-style-type: none"> <li>Survey as regularly as necessary</li> <li>Place navigation marks in optimum positions</li> <li>Keep 'vigilant watch' for any seabed changes</li> <li>Keep hydrographic records</li> <li>Ensure hydrographic information is published</li> <li>Update UKHO with chart information.</li> </ul>	<p><b>Non-compliance</b> – the Harbour Authority does not conduct bathymetric surveys, hence there is no hydrographic information to publish and updated (data) is not passed to the UK Hydrographic Office (UKHO). This is a conservancy duty which is not being discharged.</p> <p><b>Note:</b> whilst this duty cannot be evidenced, it should be noted that at low water, the seabed can be visually inspected with local vessel operators aware of any high spots or areas to avoid. In this regard, a 'vigilant watch' of the seabed is carried out. In addition, the nature of the seabed is soft mud and vessels typically rest on the harbour bottom at low water. The lack of survey data is not considered a safety issue.</p>	<p><b>Recommendation</b> – the Harbour Authority should consider the commissioning of regular appropriately timed hydrographic surveys. Once completed, survey data must be passed to UKHO to update nautical chart publications.</p>	n/a	MJS
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	<b>Not applicable</b> – as bathymetric surveys are not carried out, there is no requirement at this time for a bilateral agreement with the UKHO.		n/a	MJS
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	<b>Satisfactory</b> – Angus Council does not have powers to licence marine works under its local Acts and Orders. A licence for the disposal of dredged material at sea from Marine Scotland is currently in place. Licence was evidenced.		MJS_025 MJS_026 MJS_027	MJS
3.8	Environmental duty	<p>Does the Organisation understand its obligations:</p> <ul style="list-style-type: none"> <li>Nature conservation section 48A of Harbours Act 1964</li> <li>Obligations for SPA, SACs under Habitat Regs.</li> <li>the Nature Conservation (Scotland) Act 2004</li> </ul>	<p><b>Satisfactory</b> – relevant environmental information for Arbroath Harbour is detailed in the Oil Pollution Response Plan, this details:</p> <ul style="list-style-type: none"> <li>2x Sites of Special Scientific Interest (SSSIs).</li> <li>1x Special Protection Area.</li> </ul> <p>Supporting information and maps of these areas are provided. Angus Council also has in place an 'Arbroath Harbour Conservancy and Environmental Policy' for Arbroath Harbour.</p>		MJS_001 MJS_004 MJS_020 MJS_021	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.9	Civil Contingency Duty	Does the MSMS include reference to the Harbour Authority's obligations as a Category 2 responder?	<b>Satisfactory</b> – the MSMS Section 3.5 details Civil Contingency Duty.		MJS_001	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	<b>Satisfactory</b> – an Oil Pollution Response Plan is in place and was approved by the MCA on 01 June 2017 it is valid until the 01 June 2022. The annual OPRC return form was evidenced.  <b>Observation</b> – there is no specific port emergency plan. There is however, a Council Emergency plan which includes Arbroath in its wider context. This topic should be discussed with the Council's Resilience Manager to consider how Arbroath Harbour might develop a fit for purpose (and proportionate) emergency response plan.	<b>Recommendation</b> – a proportionate and fit-for-purpose emergency plan is created for Arbroath Harbour.	MJS_022 MJS_023 MJS_024	MJS
		Does the port/harbour carry out emergency plan exercises?	<b>Satisfactory</b> – the last table-top exercise for oil pollution was carried out in 2019 as 'operation overflow' considering the spill of petrol from a jerrycan.  <b>Observation</b> – annual exercises of both the Oil Pollution Response Plan and the Emergency Plan would be beneficial to schedule for staff familiarisation and assurance of the plan.	<b>Recommendation</b> – the production of a year planner to detail emergency exercises.	MJS_024	
3.10 – 3.11	Harbour Authority Powers review	Has the Harbour Authority reviewed its powers?	See the audit report response in Section 2.3 – 2.6.		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	<b>Satisfactory</b> – the last Harbour Revision Order was made in 1919.		MJS_002	MJS

## A.4 PMSC Section 4 – Specific Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	<b>Satisfactory</b> – appointment letter for the Harbour Master sighted, confirmed in post by the Council (as Harbour Authority) on 01 April 2018.		MJS_028	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	<b>Satisfactory</b> – Angus Council in exercise of the powers conferred upon it by Section 83 of the 'Harbours, Docks and Piers Clauses Act 1847' and the Arbroath Harbour Acts and Orders 1839 to 1919 has set out 79 Byelaws reference as the 'Angus Council – Arbroath Harbour Byelaws 1997'.		MJS_029 <a href="https://www.angus.gov.uk/media/arbroath_harbour_byelaws_pdf">https://www.angus.gov.uk/media/arbroath_harbour_byelaws_pdf</a>	MJS
		Date of last byelaw review?	<b>Satisfactory</b> – last issued on the 08 September 1997.		MJS_029	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master's powers of Direction shown in the MSMS, how is delegation identified?	<b>Satisfactory</b> – the Harbour Master has powers of direction to regulate the time and manner of vessels' entry to, departure from and movement within Arbroath Harbour, and related purposes. These powers are conveyed by the HDPCA 1847, Section 52. The Harbour Master's directions are referred to as 'Special Directions'.		MJS_002	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	Not applicable – powers of General Direction are not available at Arbroath Harbour.		n/a	MJS
		When were General Directions last reviewed?	n/a		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	Not applicable – Harbour Directions have not been applied for, as the harbour has a recent set of Byelaws.		n/a	MJS
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	<b>Satisfactory</b> – the Harbour Master has powers under the Dangerous Vessels Act 1985. This is laid out in the MSMS, Section 4.3.3.		MJS_001	MJS
		Is the role of the SOSREP acknowledged?	<b>Satisfactory</b> – the SOSREP is acknowledged in the MSMS, Section 4.3.3.		MJS_001	MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous goods and substances?	<b>Satisfactory</b> – the declaration of dangerous substances is detailed in the MSMS, Section 4.3.4.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	<p><b>Satisfactory</b> – several different methods are used to monitor the movement of traffic within the Arbroath Harbour, including:</p> <ul style="list-style-type: none"> <li>▪ Visual observation,</li> <li>▪ VHF monitoring on Channels 11 and 16,</li> <li>▪ Closed Circuit Television,</li> <li>▪ Automatic Identification System (AIS) monitoring via internet sources.</li> </ul> <p>The harbour office is open from 0700 to 2000 hrs every day (1 April to 30 September) and 0700 to 1800 hrs every day (1 October to 31 March). Harbour users communicate with the harbour office using VHF, the telephone, email or in person.</p>		MJS_001 MJS_031	MJS
		Is vessel traffic monitoring information passed to the MCA by the quickest means?	Not applicable – the harbour is not used by any vessels requiring CERS reporting.		n/a	MJS
		Has the need for VTS/LPS been reviewed recently?	<p><b>Satisfactory</b> – the current method of vessel traffic management has been arranged to meet the demands of harbour use. The formal risk assessment for vessel traffic management is a strategic action in the Marine Safety Plan and is dated for completion by 2024. This strategic action references MGN 401 (MCA, 2018).</p>		MJS_003	MJS
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	<p><b>Satisfactory</b> – the MSMS, Section 2.5.3 provides details on the course of action to take if a professional mariner is suspected of being under the influence of drink or drugs whilst on duty.</p>		MJS_001	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Has the requirement for pilotage been reviewed?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.12 GtGP 9.4	Pilotage Directions	Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced in the MSMS?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the International Maritime Organisation (IMO) resolution A960?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
		Are the requirements equivalent to those for an authorised pilot?	Not applicable – the Organisation is not a Competent Harbour Authority.		n/a	MJS
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	<p><b>Satisfactory</b> – navigational information is published each year in Ports of Scotland and the Reeds Almanac and marina guide for port entry.</p> <p><b>Observation</b> – the Admiralty List of Radio Signals (ALRS), Volume 6, does not have an entry for Arbroath Harbour.</p>	<p><b>Recommendation</b> – contact the UKHO and provide information to allow an entry to be made to ALRS.</p>	<p>Ports of Scotland, 2020. Yearbook, 39th Edition.</p> <p>Sail Scotland, 2021. Arbroath Harbour.</p> <p><a href="https://www.sailscotland.co.uk/sail/arbroath-harbour">https://www.sailscotland.co.uk/sail/arbroath-harbour</a></p>	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	<p><b>Satisfactory</b> – navigational information is published each year in Ports of Scotland and the Reeds Almanac and marina guide for port entry.</p> <p><b>Observation</b> – information for visiting vessels could be summarised into an appropriate download for the Council’s website.</p>	<p><b>Recommendation</b> – the creation of a downloadable navigation guide for visiting vessels to allow them to plan their arrival to the harbour.</p>	<p>Sail Scotland, 2021. Arbroath Harbour.</p> <p><a href="https://www.sailscotland.co.uk/sail/arbroath-harbour">https://www.sailscotland.co.uk/sail/arbroath-harbour</a></p>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	<b>Satisfactory</b> – charges (including dues) are laid out on the Council's website. The process for setting charges uses a benchmarking exercise with other local ports and marina facilities. Charges are usually increased in line with the rate of inflation and approved by the Duty Holder.		<a href="https://www.angus.gov.uk/visitors_and_tourism/arbroath_harbour/charges_at_arbroath_harbour">https://www.angus.gov.uk/visitors_and_tourism/arbroath_harbour/charges_at_arbroath_harbour</a>	MJS
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	<b>Satisfactory</b> – as the Local Lighthouse Authority (LLA) the following Aids to Navigation are maintained: <ul style="list-style-type: none"> <li>▪ 2x CAT 1: Leading lights - Fixed Red 5 miles and Fixed Red 5 miles.</li> <li>▪ 2x CAT 2: Harbour entrance - Very Quick Flashing Red every 6 seconds, 4 miles and Flashing Green every 3 seconds, 5 miles.</li> <li>▪ 6x CAT 3: Unlit lateral red and green pile markers to identify the preferred route to the public slipway (which is blocked off and currently not in use).</li> </ul>		MJS_001	MJS
4.24	GLA returns	Are returns made to the GLA?	<b>Satisfactory</b> – the LATON three-year return identifies that availability return values to be: <ul style="list-style-type: none"> <li>▪ Cat 1 = 100%</li> <li>▪ Cat 2 = 100%</li> <li>▪ Cat 3 = 100%</li> </ul> Provision and maintenance of Aids to Navigation is recognised as <b>an area of best practice</b> .		MJS_030	MJS
4.25-4.32	Wrecks, Abandoned or unserviceable vessels	Does the MSMS refer to powers for dealing with wrecks?	<b>Satisfactory</b> – the MSMS, Section 3.3.4 addresses wrecks, derelict and abandoned vessels. There is no history of wrecks in the harbour.		MJS_001	MJS
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	<b>Not applicable</b> – the Organisation is not a Competent Harbour Authority and therefore has no requirement to operate a pilot boat.		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	<b>Satisfactory</b> – the MSMS, Section 4.6.2 addresses towage. <b>Observation</b> – the production of towage expectations (guidelines) would be useful.	<b>Recommendation</b> – drafting of towage guidelines.	MJS_001	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont.  GtGP - 10	Cont.  Towage Operations	Is there a process for approving towage providers?	Not applicable – there are no towage providers using the harbour. Any towage is either the RNLi or vessels towed by other harbour users.		n/a	MJS
		Are non-routine tows pre-approved / managed by the organisation?	Satisfactory – the MSMS, Section 4.6.2 addresses towage.		MJS_001	MJS
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Not applicable – there are no powers to licence tugs.		n/a	MJS
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	Satisfactory – the MSMS, Section 4.6.1 addresses commercial diving in the harbour.		MJS_001	MJS
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Not applicable – there is no history of recreational diving.		n/a	MJS
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	Satisfactory – the MSMS, Section 4.6.3 addresses the management of hot works. Whilst working on a vessel berthed in the harbour an application to carry out hot work must be submitted to the Harbour Master and no hot work can commence until the application is granted and a permit has been issued by the Harbour Master.		MJS_001	MJS
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	Satisfactory – Angus Council is a Registered Dealer in Controlled Oils (RDCO) and can purchase 'red' diesel to sell to commercial and pleasure boats. There is a 10,000-litre storage tank situated on the Oil Quay, in the outer harbour from where all bunkering operations are carried out. All bunkering procedures are carried out by Council harbour staff. No harbour users have access to the fuelling facilities. There is a Risk Assessment and SSOW detailing bunkering procedures.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP – 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	<p><b>Satisfactory</b> – harbour craft are regulated via the Berthing Application Form. This serves to collate user information, check insurance and notify users of the harbour rules. The applicant signs to confirm they have read and understood the requirements.</p> <p><b>Observation</b> – the standard to which vessels are expected to operate commercially (charter, fishing, workboats etc) is not drawn to the attention of vessel operators using the harbour.</p>	<p><b>Observation</b> – consider developing Terms and Conditions referencing MCA Coding standards.</p>	<p>MJS_001</p> <p><a href="https://www.angus.gov.uk/visitors_and_tourism/arbroath_harbour/berthing_at_arbroath_harbour">https://www.angus.gov.uk/visitors_and_tourism/arbroath_harbour/berthing_at_arbroath_harbour</a></p>	

## B Quayside and Marine Operations

Visual observation of harbour quayside was undertaken during the site visit on the 20 September 2021.

### B.1 Quayside Checks

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
PMSC 3.0 GtGP 8.11.19 ACOP 207-208 SIP 014	Access	Is the quayside and its access locations clear of debris and obstructions?	<b>Satisfactory</b> – harbour edges have tie rails fitted, these provide a barrier between the working edge of the quay and pedestrian areas (which are open to the public). Fishing gear is, on the whole, stacked in defined areas with lines away from pedestrian walkways. This is managed by Harbour Assistants.		MJS
		Pedestrian/Disabled access for passengers or leisure users?	<b>Satisfactory</b> – public boarding points are provided at a dedicated pontoon located between the fuelling point and the harbour entrance. The second access point is in the Outer Harbour on the newly established pontoons adjacent to the slipway. Access can also be easily made in the marina for those with access through the security gate.		MJS
		Is the type and condition of quayside surface appropriate to the operation?	<b>Satisfactory</b> – the slipway was observed to have a small amount of marine growth, as were the stone access steps at low water, this is not unexpected, and evidence of regular cleaning regime was noted.		MJS
ACOP 211-223 SIP 014	Rescue and Lifesaving equipment (LSE) at the water's edge	Is there appropriate means of egress from the water?	<b>Satisfactory</b> – ample and frequent ladders are installed in the Outer and Inner Harbour, the marina pontoons have water recovery ladders.		MJS
		Is there appropriate LSE at quay edge?	<b>Satisfactory</b> – life saving appliances/rings are located around the Harbour side.		MJS
SIP 005	Bollards and securing equipment	Does the general condition of bollards appear to be in good order?	<b>Satisfactory</b> – tie rails used throughout the quayside, a replacement programme has upgraded the outer and inner harbour tie rails. Mooring rings in the Inner Harbour are painted.		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
Cont. SIP 005	Bollards and securing equipment	Are the bollards numbered and Safe Working Load shown?	<b>Satisfactory</b> – tie rails and bollards are not numbered. It would be impractical to number tie rail mooring points.  <b>Observation</b> – the bollard adjacent to the slipway noted without SWL shown. See image B1.	<b>Recommend</b> – add SWL or estimated loading limit to bollard.	MJS
		Is additional bollards/rings required?	<b>Observation</b> – a post intended for a harbour sign was being used to lead a mooring line at a better angle for securing to tie rail. See image B2.	<b>Recommend</b> – the addition of a mooring ring, forward of the vessel, to lead the rope at a better angle to the tie rail should be installed and harbour users advised to only use mooring equipment for vessel lines.	MJS
		Are the bollards appropriate to the vessel being handled?	<b>Satisfactory</b> – tie rails are appropriate to the vessel size and the prevailing weather and tidal conditions.		MJS
SIP 005	Fenders	Is the fendering appropriate to the vessel being handled?	<b>Satisfactory</b> – fendering is appropriate to vessel size.		MJS
		Is the condition of the fendering in good order?	<b>Satisfactory</b> – fendering is <i>ad hoc</i> and placed to serve specific vessels.		MJS
		Are chaffing plates used?	<b>Observation</b> – chaffing plates or wooden sacrificial strips are not used and could be fitted in areas where lines regularly rub the key edge.	<b>Recommend</b> – consider the addition of sacrificial wood strips or chaffing plates along quay edges where lines run from tie rails to moored vessels.	MJS
ACOP 232-235 SIP 005 SIP 014	Lighting	Is lighting appropriate and appear to be in compliance with ACOP 'safety in docs' and the PFSP?	<b>Satisfactory</b> – there is ample lighting around the Outer and Inner dock areas. Observations undertaken at night confirmed that all working quays and dock edges were lit, no defects noted in lighting equipment.		MJS
ACOP 58-60	Layout	Is adequate separation delineated between quayside operations?	<b>Satisfactory</b> – the Inner and Outer docks have appropriate space around the edge for pedestrian access. The tie rails act as a delineator between public areas and the working quayside edge. Public access to the working quayside has warning signs but are not barriered off. It would be impractical to restrict public access without significantly restricting access.		MJS
ACOP 82	Signage	Is appropriate signs and markings provided	<b>Satisfactory</b> – signage around the harbour side informs pedestrians of working areas. Swimming in the dock and entrance is prohibited, signs convey this message. Signs notify the public of potential hazards such as wave conditions during storms.		MJS



Image B1. Outer Harbour, bollard without SWL next to slipway

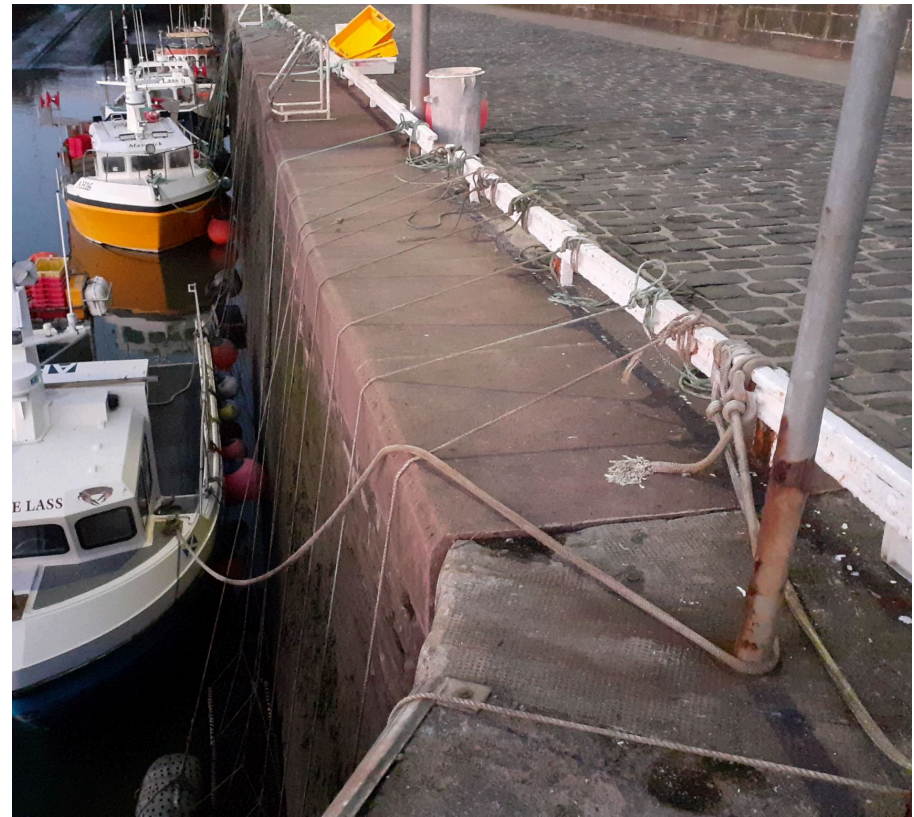


Image B2. Outer Harbour, sign post used as fairlead

## B.2 Marine Operations

Observation of the procedures, equipment and Personal Protective Equipment (PPE) for harbour marine operators were sampled during the audit site visit.

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
GtGP 10.6.1 ACOP 42 SIP 005	Communication	Is there direct communication between ship and shore personnel?	<b>Satisfactory</b> – harbour assistants and the Harbour Master carried VHF radios to monitor vessel traffic and UHF radios for communication amongst the team.		MJS
		Is there adequate communication with boats during mooring?	<b>Satisfactory</b> – harbour assistants and the Harbour Master carried VHF radios and used hand signals.		MJS
		Are hand signals used and appropriate?	<b>Not applicable</b> – not observed during site visit.		MJS
GtGP 11.7 SIP 005	Planning	Is the mooring pattern appropriate to the quay/vessel and weather conditions?	<b>Satisfactory</b> – most vessels self-moor, unless attending the Fish market Quay or Oil Quay where the fuel dispensing facility is located.. Mooring in the marina is organised through a white board and pontoon layout diagram. This is a simple and efficient planning tool.		MJS
SIP 005	Self-mooring	Do vessels self-moor?	<b>Satisfactory</b> – vessels self-moor on completion of scheduled passenger activity.		MJS
SIP 005	Line handling	Do mooring personnel avoid stepping over lines or standing between lines and quay edge?	<b>Not applicable</b> – not observed.		MJS
		Are multiple lines 'dipped' on bollards?	<b>Not applicable</b> – not observed.		MJS
		Are messenger lines thrown appropriately?	<b>Not applicable</b> – not observed.		MJS
		Are mooring personnel 'backed-up' on heavy lines?	<b>Not applicable</b> – not observed.		MJS
		Do mooring personnel release heavy lines appropriately?	<b>Not applicable</b> – not observed.		MJS
		Mooring personnel using appropriate handling?	<b>Not applicable</b> – not observed.		MJS
		Are heaving lines weighted?	<b>Not applicable</b> – not observed.		MJS

Reference	Subject	Evidence Required For Compliance	Observation	Recommendations	Auditor
SIP 005	Use of equipment	Is the SWL of bollards appropriate to the load being placed on?	<b>Satisfactory</b> – in the opinion of the auditor, tie rails and mooring rings appear appropriate for use by the vessels seen.		MJS
		Are mooring lines used at an appropriate angle for the infrastructure?	<b>Satisfactory</b> – the mooring pattern for vessels was considered appropriate.		MJS
		Are mooring lines maintained at an appropriate length throughout the operation?	<b>Satisfactory</b> – observations made during low, mid and high tide. Lines were attended by vessel crews, with Harbour Assistants monitoring mooring during harbour staffed hours.		MJS
ACOP 58-67 SIP 014	Operational control	Is there concurrent activity alongside the mooring operation?	<b>Satisfactory</b> – self mooring is used, concurrent activity occurs. Harbour Assistants carry out active monitoring. Risk areas are controlled by Harbour Assistants, such as hot works and bunkering.		MJS
GtGP 11.4 SIP 005	Personnel and equipment	Are harbour personnel wearing appropriate PPE?	<b>Observation</b> – Harbour Assistants working near the quay edge were not wearing lifejackets. A fall into the water is always a possibility, especially when working at or near the quay edge.	<b>Recommend</b> – review the risk assessment and SSOW for quayside working. The risk of slips, trips or falls into the water should be assessed. Industry best practice mitigation (lifejacket or integral lifejacket and coat) should be put in place if identified through the risk assessment process.	MJS
		Is adequate manning provided for running marine operations, handling lines and operating a safe harbour.	<b>Satisfactory</b> – anecdotal information identifies that the harbour has sufficient staff to safely provide marine operations.		MJS
		Is any additional equipment required and is equipment in use in good working order?	<b>Observation</b> – it was noted, that the dock gates whilst functional, are a critical item of infrastructure. The long-term plan for replacement and/or upgrade should form part of the Council's infrastructure replacement plan in future years.	<b>Recommend</b> – inclusion of the dock gates into infrastructure replacement or upgrade plans.	MJS

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