

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 22 NOVEMBER 2022

ARBROATH HARBOUR - PORT MARINE SAFETY CODE – AUDIT

REPORT BY DIRECTOR OF INFRASTRUCTURE AND ENVIRONMENT

ABSTRACT

This report presents the updated version of the Marine Safety Management System for Arbroath Harbour along with the result of the 2022 Port Marine Safety Code Audit carried out by the council's Designated Person who measures performance against the Code.

1. RECOMMENDATION

It is recommended that the Committee:

- (i) note the updated Marine Safety Management System which is in place for Arbroath Harbour and forms an integral part of the safe operation of Arbroath Harbour and the audit process.
- (ii) note the results of the Port Marine Safety Code Audit including the observations, recommendations, and areas of good practice identified and
- (iii) agree to new Communities Committee members undertaking a half day Duty Holder training on a date suitable for all in early 2023 to ensure compliance with the Port Marine Safety Code.

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the Angus Council Plan 2022-2025 priorities:

ECONOMY: We want Angus to be a 'go-to' area for businesses.

PEOPLE: We want to maximise inclusion and reduce inequalities

PLACE: We want our communities to be strong, resilient and led by citizens

3. BACKGROUND

- 3.1 Report [245/21](#) Port Marine Safety Code – Arbroath Harbour Marine Safety Plan and Policies presented to this committee on 17 August 2021 sets out the position where Angus Council as the Statutory Harbour Authority sits under the Port Marine Safety Code (the Code) in respect to the safe operation and management of Arbroath Harbour. Angus Council operates under the Code with the Communities Committee as the Duty Holder and the global marine consultancy company APBMer as the Designated Person.
- 3.2 The Statutory Harbour Authority must also operate and maintain an effective Marine Safety Management System (MSMS) which has been developed for marine operations, is based on formal risk assessment, and refers to an appropriate approach to incident investigation. This is maintained and updated by the Harbour Master for Arbroath Harbour and the most up to date version is contained in **Appendix 1** of this report.
- 3.3 To comply with the Code, the Designated Person for Arbroath Harbour:
 - Monitors the thoroughness of the marine risk assessment process and the validity of the assessment conclusions.
 - Monitors the thoroughness of the incident reporting and any subsequent investigation to confirm the validity of the investigation conclusions.

- Determines through assessment and audit that Arbroath Harbour has an effective and appropriate MSMS. This is conducted as an annual audit, with the output provided as a written report to the Duty Holder.

4. CURRENT POSITION

4.1 On 20th September 2022 Monty Smedley from APBMer visited Arbroath Harbour and spent the day with the Harbour Master to carry out the Port Marine Safety Code Audit. This was a comprehensive audit which went through every aspect of the Code and measured Arbroath Harbour's performance against it. The result of the Audit is contained in Appendix 2 of this report.

4.2 The audit report uses the following outcomes:

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

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

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-compliance are identified in red.

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

4.3 The summary presented in the table on page 5 of the report identifies that, for the ten-point health-check, Angus Council as the Statutory Harbour Authority for Arbroath Harbour was found to have 74 satisfactory components, 15 observations/recommendations and 0 non compliances.

4.4 Last year the 2021 audit found there was 72 satisfactory components, 21 observations/recommendations and 2 non compliances (Committee Report 356/21 refers). With the improvements in the safety of the operation and management of Arbroath Harbour over the past 12 months with some of the issues highlighted within the 2021 audit being addressed, this has resulted in a reduction of observations/recommendations and 0 non conformities. As stated on page 5 of the Audit Report 2022, Angus Council as the Statutory Harbour Authority for Arbroath Harbour is now found to be fully compliant with the requirements of the Port Marine Safety Code.

4.5 The 2022 audit identified 15 observations/recommendations relating to improvement opportunities for management consideration, the detailed findings being presented in Appendix A of the audit report. Marine operations and quayside checks were also carried out and 6 observations/recommendations were identified, the detailed findings being presented in Appendix B of the audit report.

4.6 The following points of best practice are noted within the audit report:

- 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.

5. PROPOSALS

- 5.1 The priority going forward is to ensure that the safe operation and management of Arbroath Harbour is maintained and that the Council continues to ensure compliance with the Code.
- 5.2 Regarding the observations and recommendations within the audit report, the Harbour Master will continue to monitor these and will use the time in hand to address the recommendations before the next audit in September 2023.
- 5.3 Equally important is to ensure that the 74 satisfactory components of the audit report continue to be managed and maintained and are still in place for the next audit in September 2023.
- 5.4 As highlighted within the audit, and to comply with the Council's published Marine Safety Plan, the 8 members of this committee who have not had Duty Holder training do so. This training will be carried out via MS Teams by the Designated Person who will be in contact with the 8 committee members in January 2023 to arrange a suitable time for all.

6. FINANCIAL IMPLICATIONS

- 6.1 The costs associated with the appointment of an independent Designated Person and Duty Holder training is £3,500 per annum and is funded from the Arbroath Harbour trading account.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment is not required.

8. CONSULTATION

- 8.1 The Chief Executive, Depute Chief Executive, Director of Finance and Director of Law and Democratic Services were consulted in the preparation of this report.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No. [245/21](#) – Port Marine Safety Code – Arbroath Marine Safety Plans and Policies
- Report No. [356/21](#) – Port Marine Safety Code – Audit

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List of Appendices:

Appendix 1 – Arbroath Harbour Marine Safety Management System – Version 2
Appendix 2 – Arbroath Harbour Port Marine Safety Code Audit 2022



Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

Step 1

Name of Proposal (includes e. g. budget savings, committee reports, strategies, policies, procedures, service reviews, functions): **Arbroath Harbour- Port Marine Safety Code - Audit**

Step 2

Is this only a **screening** Equality Impact Assessment Yes
(A) If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

- | | |
|--|-----|
| (i) It does not impact on people | No |
| (ii) It is a percentage increase in fees which has no differential impact on protected characteristics | No |
| (iii) It is for information only | Yes |
| (iv) It is reflective e.g. of budget spend over a financial year | No |
| (v) It is technical | Yes |

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

Step 16: Sign off and Authorisation. Please state name, post, and date for each:

Prepared by: Bruce Fleming, Team Leader – Arbroath Harbour Master, 21/10/22

Reviewed by: Doreen Phillip 21/10/22

Approved by: Graeme Dailly, Director of Infrastructure and Environment, 21/10/22