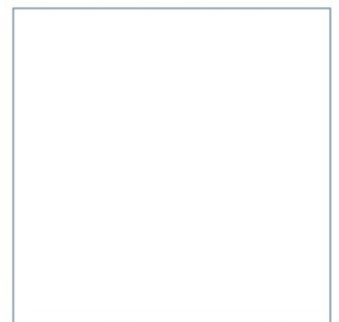
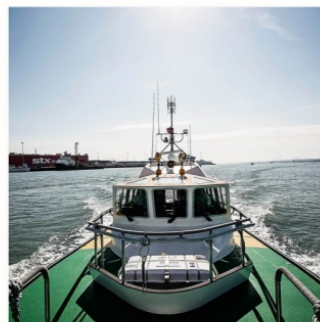


Cowes Harbour Commission

Port Marine Safety Code

Audit: Cowes Harbour

March 2020



Innovative Thinking - Sustainable Solutions

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Port Marine Safety Code




Audit: Cowes Harbour

March 2020



Source: <https://www.cowesharbourcommission.co.uk/>

Document Information

Document History and Authorisation		
Title	Port Marine Safety Code	
	Audit: Cowes Harbour	
Commissioned by	Cowes Harbour Commission	
Issue date	March 2020	
Document ref	R.3360	
Project no	R/4818/01	
Date	Version	Revision Details
17/02/2020	1	Issued for client review
06/03/2020	2	Issued for client use
Author (Designated Person)	Approved (Quality Manager)	Authorised (Project Director)
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Suggested Citation

ABPmer, (2020). Port Marine Safety Code, Audit: Cowes Harbour, ABPmer Report No. R.3360.
A report produced by ABPmer for Cowes Harbour Commission, March 2020.

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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/MCA, 2016).

In reading this audit report, the Commission 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/MCA, 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.	1.6-1.10, 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.	1.13-1.15, 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.	2.24
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, 2.30-2.32
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

Cowes Harbour is a Trust Port and is run by 10 Commissioners appointed through a public selection process. Cowes Harbour Commission (CHC) is the Statutory Harbour Authority (SHA) for a jurisdictional area from Prince Consort Buoy in the north, to a line drawn across the Medina Estuary at 'The Folly' public house to the south. The Commission is governed by Acts of parliament prescribing its duties and responsibilities drawn from the Cowes Harbour Acts 1897-2012 and various other relevant statute laws, common laws and fiduciary duties. Cowes Harbour Commission is also the Local Lighthouse Authority (LLA) for navigational marking and lighting and the Competent Harbour Authority (CHA) in respect of Pilotage.

Cowes Harbour is the largest port on the Isle of Wight with a fast-craft and passenger/freight ferry connection to the Port of Southampton handling approximately 3,000,000 passengers annually (CHC, 2016). Cowes Harbour also provides for commercial ships with 99% of all the bulk shipping import and export goods for the Island moving through the port, handling approximately 600,000 tonnes of cargo annually (CHC, 2016). Cowes is also world renowned for its yacht and leisure community, hosting events such as Cowes Week and the annual Round the Island Race.

2 Purpose and Method

2.1 Purpose of the audit

Cowes Harbour Commission has contracted ABPmer to conduct a three-yearly Port Marine Safety Code (PMSC) compliance audit. 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 outcomes

The following definitions are used as outcomes within the audit:



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



Observation: a control weakness, or non-conformity with stated procedures, which could undermine compliance with the Code, compromise marine safety, environmental safety, port efficiency or lead to reputational risk. Port management may wish to address these as part of ongoing review and update of systems and procedures. Recommendation suggestions are identified in yellow.



Satisfactory: a system component that meets or exceeds the requirement of the Code.

2.3 Quality assurance

The audit was carried out on-site at the Harbour Office, Cowes Harbour, on 28 January 2020. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), have been used as the benchmarking standard. The Appendix tables to this report contain the test questions and evidence, noting down compliance, non-compliance and observational remarks. The audit tables identify the paragraph numbers from the Code (DfT/MCA, 2016) and relevant sections of the Guide to Good Practice (DfT/MCA, 2018), for cross reference purposes. The audit was conducted using the latest edition of the 'Cowes Harbour Commission Safety Management System Manual' (CHC, 2016).

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)

2.5 Auditees

The following individuals participated in the audit.

Team Member:	Initials	Company/Designation
Capt. Stuart McIntosh	SM	Chief Executive & Harbour Master
Jo Gillespie	JG	Duty Holder: Cowes Harbour Commissioner (Safety and Security)
Jon Howden	JH	Deputy Harbour Master: Statutory
Ed Walker	EW	Deputy Harbour Master – Commercial
Capt. Martin Phipps MBE	MP	Designated Person (PMSC): Cowes Harbour Commission

3 Audit Summary

Number	PMSC Duty Holder Responsibilities			
1	Duty Holder	0	2	6
2	Designated Person	0	0	2
3	Legislation	0	2	4
4	Duties and Powers	0	8	30
5	Risk Assessment	0	5	3
6	MSMS	0	7	10
7	Review and Audit	0	0	1
8	Competence	0	2	1
9	Plan	0	0	2
10	Aids to Navigation	0	0	1
Total		0	26	60

The summary presented in the above table identifies that, for the ten-point health-check, CHC is found to be compliant with the requirements of the Port Marine Safety Code. ABPmer would like to compliment the Authority's staff on their professionalism and clear focus on delivering the requirements of the Marine Safety Management System (MSMS). The following points of best practice are noted:

- The MSMS is a mature document that has been compiled over time; the policy section provides a well-tailored set of requirements. This sets a clear example that other ports might benefit from.
- Engagement with the port stakeholder community is well managed with CHC authoring clear guidance for the port user community.
- Incident investigation and reporting is professionally delivered by the Authority's officers.
- The Conservancy function of the Authority is efficiently managed, resourced and delivered by the Authority's officers.
- The compilation of the Authority's Acts into one document and the subsequent legal review of Harbour Acts demonstrates a corporate desire for improvement. It is also noted that CHC has made use of the Harbour Revision Order (HRO) process to modernise traffic management through the acquisition of the power to issue General Directions.

The PMSC audit identified 26 observations relating to improvement opportunities for management consideration. The following points identify the more significant items, the detailed findings being presented in Appendix A. The following are noted:

- The MSMS would benefit from review and rationalisation to reduce content and duplication between other publications (for example, the Pilotage Directions).
- The Authority's identification and recording of staff training requires attention to provide a fully documented system.
- The MSMS does not contain a set of port operations 'Standard Operating Procedures' (SOP). For example: wreck removal, aids to navigation defect reporting etc. It may be useful to consider if SOPs would be beneficial to allow the capture of corporate knowledge.
- It is important that aspects identified in the MSMS, such as the currency of marine risk assessments, are updated to meet the expectation of the system to avoid non-conformity with CHC's stated requirements.

4 References

CHC, 2016. Safety Management System Manual Issue Version 3.0, Cowes Harbour Commission Controlled Document No.1, March 2016.

DfT/MCA, 2016. Port Marine Safety Code, Department for Transport (DfT) and Maritime and Coastguard Agency (MCA), November 2016.

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

ISO 9001, 2015. ISO 9001: 2015 Quality management systems. International Organization for Standardization.

4.1 Websites

<https://www.cowesharbourcommission.co.uk>

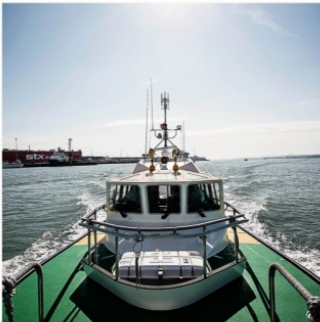
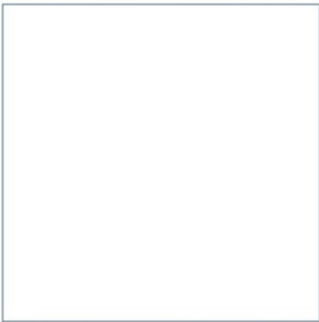
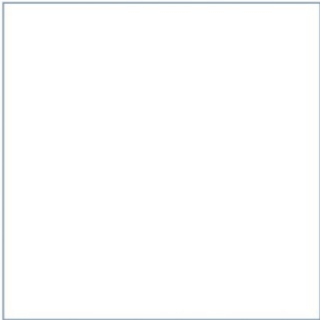
5 Abbreviations/Acronyms

CE	Chief Executive
CERS	Consolidated European Reporting System
CHA	Competent Harbour Authority
CHC	Cowes Harbour Commission
Cont.	Continued (from previous page)
DfT	Department for Transport
DGHAR	Dangerous Goods in Harbour Areas Regulations
DP	Designated Person
DSHAR	Dangerous Substances in Harbour Areas Regulations
GtGP	Guide to Good Practice on Port Marine Operations
HM	Harbour Master
HRO	Harbour Revision Order
ISO	International Organization for Standardization
KPI	Key Performance Indicator
LLA	Local Lighthouse Authority
LPS	Local Port Service
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MBE	Most Excellent Order of the British Empire
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Notes
MMO	Marine Management Organisation
MSMS	Marine Safety Management System
MV	Motor/Merchant Vessel
n/a	Not Applicable
NOC	National Occupational Standards
PEC	Pilotage Exemption Certificates
PMSC	Port Marine Safety Code
QMS	Quality Management Systems
SHA	Statutory Harbour Authority
SI	International System of Units
SOP	Standard Operating Procedures
SOSREP	Secretary of States Representative
UK	United Kingdom
UKHO	United Kingdom Hydrographic Office
VTS	Vessel Traffic Services

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

Appendix



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
1.6 – 1.7	The Duty Holder	Is there an appointed Duty Holder?	Satisfactory – the Marine Safety Management System (MSMS) Issue 3 (March 2016) identifies in Section 3 'Accountability of the Duty Holder' the Duty Holder to be the Board of Commissioners. The Harbour website identifies the current serving Commissioners.		MJS_002 https://www.cowesharbourcommission.co.uk/serving_commissioners	MJS
		Has the Duty Holder made a clear published commitment to the PMSC?	Satisfactory – CHC publish a Strategic Plan (2016-2021). Under the Core Policy for Safety and Security, CHC state they: <i>"Promote and deliver a safety-first culture ensuring the highest standards in health and safety for CHC employees and harbour users and complying fully with the Port Marine Safety Code."</i> The plan is published on the Harbour's website.		MJS_004 https://www.cowesharbourcommission.co.uk/content/S635253980927864437/CHC_Strategic_Plan_2016_2021_Mid_Term_Review_hires.pdf	MJS
1.8 – 1.9	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	Satisfactory – Section 3.2 of the MSMS entitled 'The Duty Holder' defines the role at CHC. Observation – the bullet point list (and supporting section 3.2 commentary) does not contain all of the topics identified in the Code (see Section 1.8 of the PMSC).	Recommend – comparing section 1.8 of the Code (for example, report compliance with the Code to the MCA every 3 years) with the bullet point list in Section 3.2 of the MSMS to ensure the minimum expectations of the Code are captured.	MJS_002	MJS

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.10	The Duty Holder	Does the Duty Holder (Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	Satisfactory – Commissioners are provided with briefings from Executive officers of the authority and are provided with opportunities to view port operations (trips on Patrol Vessels, CHC marine operations etc). Briefings/reports are provided by the Designated Person (DP) to the Board.		n/a	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?	Satisfactory – on appointment, Commissioners are provided with a one-to-one briefing. The DP also provides updates on PMSC developments to the Board on the PMSC (last completed May 2019). Observation – the Harbour Authority's training records do not record Commissioner training.	Recommend – that formal Duty Holder training is recorded.	MJS_018	MJS
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	Satisfactory – Capt. Martin Phipps MBE is the appointed Designated Person. Martin was appointed by the Board to be DP following a tender, interview and selection process. Martin was confirmed at DP in the June 2018 Harbour Board Meeting.		MJS_019	MJS
		Is the Designated Person's role explained in the MSMS?	Satisfactory – Section 3.3 of the MSMS explains the DP's role at CHC.		MJS_002	MJS
1.13	Chief Executive	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – Section 3.4 of the MSMS defines the Chief Executive/Harbour Master's responsibilities. Section 3.5 provides additional duties specific only to the Harbour Master function. Observation – whilst the MSMS identifies the combined Chief Executive/Harbour Master role, it is may be prudent to more definitively split the responsibilities of the Chief Executive and Harbour Master into two sections. It is noted, that Section 3.5 of the MSMS is entitled 'The Harbour Master' and provides further information on powers and duties.	Recommend – reviewing Section 3.4 and 3.5 of the MSMS to consider if the role of Chief Executive/Harbour Master could be detailed separately.	MJS_002	MJS
1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been assigned to trained people?	Satisfactory – Section 3.4 and 3.5 define the role of the Harbour Master.		MJS_002	MJS
1.16 – 1.17	The Authority's Officers	Does an officer with responsibilities for marine safety attend Board meetings?	Satisfactory – Board meetings are attended by the Chief Executive/Harbour Master.		MJS_017 MJS_018 MJS_019	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
2.3 – 2.6	Review existing powers	Are local Acts and Harbour Orders referenced in MSMS?	<p>Satisfactory – the MSMS, Section 1 'Background' describes the CHC's background governance, specifically: "Cowes Harbour Acts 1897-2012 and various other relevant statute laws, common laws, and fiduciary duties". The Harbour website contains a compiled copy of harbour Acts. This is considered a best practice approach.</p> <p>Observation – the MSMS, Section 1 'Background' refers to the Port Marine Safety Code latest edition 2015 and the Guide to Good Practice, latest edition 2015. Both these documents have been updated with more recent versions.</p>	<p>Recommend – on the next review of the MSMS, replacing the dates for the code and Guide to Good Practice with "the latest edition of..." to remove the need for administrative updates when publication of the Code changes. All reference to the Code throughout the MSMS should be checked for consistency.</p>	MJS_001 MJS_002	MJS
		Are Byelaws reviewed to ensure that they remain fit for purpose?	<p>Satisfactory – Byelaws are not issued by CHC, the previous Byelaws were repealed. General Directions are now used.</p> <p>Observation – the MSMS does not mention Byelaws (or the rationale for not using them).</p>	<p>Recommend – it would be useful to add a short section to the MSMS entitled 'Byelaws' explaining the current status.</p>	MJS_002	MJS
		Have the Harbour Authority's existing powers been reviewed?	<p>Satisfactory – CHC holds an 'Annual Port Safety Meeting' with key navigational interests to raise and discuss any required change to navigational safety. This includes consideration of powers available to the CHC.</p>		MJS_020	MJS
		Does the Harbour Authority have an understanding of local legislation?	<p>Satisfactory – the MSMS, Section 1 'Background' describes the CHC's background governance. In addition, CHC has recently commissioned a legal review of all its Acts.</p>		MJS_001	MJS
2.7 – 2.11	Use of formal Risk Assessment		<p>Satisfactory – Section 6 of the MSMS titled 'The Risk Assessment' provides CHC's requirements in respect of carrying out assessment of marine operations. The Authority has 42 risk assessments, split as 34 Navigation, 5 Pilot Service and 3 Pilotage. In addition, there are fire risk assessments.</p>		MJS_005 MJS_006 MJS_007 MJS_008 MJS_021	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of formal Risk Assessment	Have risks associated with marine operations been assessed and a means of controlling them deployed?	<p>Observation – Section 2.3 of the MSMS states: “<i>The Harbour Authority will ensure that the Safety Management System and associated Navigational Risk Assessments are reviewed at least annually,</i>”. At the time of audit, 21 of the marine risk assessments were out of date. This is a non-conformity with the requirements of CHC’s MSMS. It was noted at the time of audit, that the review process for these assessments has been commenced.</p> <p>Observation – on review of a sample of the ports marine risk assessments, the descriptions for ‘worst credible’ and ‘most likely’ scenarios were found to be generic in nature.</p> <p>Observation – the linking of accidents and incidents to corresponding risk assessments (which would have triggered a review) was not evident.</p> <p>Observation – the use of the wider Port Community to review marine risk assessments is considered best practice. CHC engages with the port community through a range of consultation and planned meetings. There is no evidence however, of a formalised holistic review of marine hazards for the harbour authority.</p>	<p>Recommend – completion of the risk assessment review, in line with the stated requirement in the MSMS. It is important to conclude this as soon as practical. Future review should be planned to allow sufficient consultation time and achieve review before the assessment due date.</p> <p>Recommend – a review and update of hazard scenario descriptions to contextualise the wording for Cowes Harbour and its approaches.</p> <p>Recommend – providing a process that records risk assessment review triggered through an accident/incident.</p> <p>Recommend – considering the benefits of holding a Hazard Identification workshop to review the existing marine risk assessments list.</p>	MJS_002 MJS_005 MJS_006 MJS_007 MJS_008 MJS_021	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	<p>Satisfactory – Section 2.3 of the MSMS states: “<i>The Harbour Authority will ensure that the Safety Management System and associated Navigational Risk Assessments are reviewed at least annually</i>”.</p>		MJS_002	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of formal Risk Assessment	Is a system of Dynamic Risk Assessment used?	<p>Satisfactory – Port operations, pilotage and harbour patrols routinely deal with dynamic risk. This is included in staff on-the-job training. This requirement has been sampled through anecdotal information from port staff.</p> <p>Observation – the Authority’s requirements in respect of dynamic risk assessment (and any transfer of dynamic risk to formalised risk assessment) is not detailed within the MSMS or Employee Handbook (latest revision, Sept 2013).</p>	<p>Recommend – adding dynamic risk assessment requirements to relevant CHC publications.</p>	MJS_002 MJS_022	MJS
2.12-2.14	Implement a marine safety management system	Is there a current MSMS? It is recommended that the MSMS is reviewed periodically, and that policy is considered within the review.	<p>Satisfactory – CHC has a mature and detailed MSMS document. Revision of this document is evident over time; the system also has a document control process. The MSMS has a record of change table.</p> <p>Observation – Section 2.3 of the MSMS states: “<i>The Harbour Authority will ensure that the Safety Management System ... reviewed at least annually</i>”. There is no evidence of review after the latest issue of March 2016. This is a non-conformity with the requirements of CHC’s MSMS.</p> <p>Observation – in many sections of the MSMS, the document states the requirement(s) of the Code, followed by a description of how CHC comply. If the MSMS were to be made more concise, it may be possible to condense this text.</p> <p>Observation – within the MSMS, reference is made to the ‘marine safety management system’. The document is entitled ‘Safety Management System Manual’.</p> <p>Observation – the current MSMS and supporting documentation does not contain ‘Standard Operating Procedures’ (SOPs) for port operations. For example: wreck removal, aids to navigation defect reporting etc. It may be useful to consider if SOPs would be beneficial to allow the capture of corporate knowledge.</p>	<p>Recommend – the stated review is completed and documented (including reviews resulting in no-change). The document’s record of change could be used to track review and update.</p> <p>Recommend – in future update, wording from the Code could be revised and/or removed and replaced with a wording to describe how CHC address the requirement.</p> <p>Recommend – consider using the title ‘Marine Safety Management System Manual’.</p> <p>Recommend – considering the benefit of document SOPs for port operational procedures.</p>	MJS_002 MJS_022	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.15	Is a statement regarding performance reported?	Has the port reported KPIs or made a statement about performance in the annual (Harbour Authority) report?	Satisfactory – CHC produces an annual report which is published for the port community and wider stakeholder interests. This includes policy and information on safety and security.		MJS_003	MJS
2.16	Assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate associated matters? <ul style="list-style-type: none"> ▪ Safety of berths ▪ Dredging, Hydrography ▪ Conservancy ▪ Environmental Monitoring ▪ Marine/Engineering 	Satisfactory – Section 3 of the MSMS titled 'Accountability for Marine Safety' addresses principal responsibilities. Section 3.5 titled 'The Harbour Master' identifies that: " <i>In relation to the authority's conservancy duties, the Harbour Master has overall responsibility for the provision and maintenance of aids to navigation</i> ". A separate chapter details conservancy duty. Observation – the roles of the Deputy Harbour Master (Marine Services) in the MSMS is not defined.	Recommend – a review of Section 3.6 'The Authority's Officers' to ensure the roles match current practice.	MJS_002	MJS
2.17	Consultation	Are forum/consultation meetings held?	Satisfactory – Section 4.16 of the MSMS titled 'Stakeholder Consultation' outlines the process used by CHC. A principal consultation group is the Cowes Harbour Advisory Committee. Minutes are held on the Harbour's website. One of the Commissioners has a stakeholder Portfolio role. Observation – the MSMS defines a 'port pilotage meeting' which is identified to take place annually (Section 4.11 and 4.28). There was no evidence of this meeting, although anecdotally Pilots do informally meet regularly. This is a non-conformity with the MSMS.	Recommend – that the annual 'port pilotage meeting' is held or the requirement in the MSMS is reviewed and updated to reflect current practice.	https://www.cowesharbourcommission.co.uk/advisory_committee_minutes	MJS
2.18	Competence standards	All persons involved in the management and execution of marine services should be qualified and trained to the appropriate national standard.	Satisfactory – Section 4.10 of the MSMS titled 'Competence Standards' outlines the expectation of the Code and CHC's recognition of this. Section 3.4 of the MSMS titled 'Chief Executive/Harbour Master' states in point iii, that the CE/HM: " <i>will oversee the recruitment and training of staff</i> ". Section 4.6 of the MSMS titled 'training policy' lists training requirements.		MJS_002 MJS_023	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.18	Cont. Competence standards	Cont. All persons involved in the management and execution of marine services should be qualified and trained to the appropriate national standard.	<p>Observation – individual training requirements listed in the training policy could not be evidenced (as stated in the policy) on CHC’s training matrix.</p> <p>Observation – the training matrix listed 21 staff. There were a number of post-holders not listed.</p>	<p>Recommend – that a cross reference is undertaken between the training policy requirements and records of staff to ensure required training can be evidenced by the Authority.</p> <p>Recommend – that the training matrix is checked to ensure that:</p> <ul style="list-style-type: none"> a) all relevant CHC roles are listed and b) training records are up-to-date against recorded certification (where relevant). 	MJS_002 MJS_023	MJS
2.19 – 2.22	Incident investigation	Does the MSMS identify the Harbour Authority’s instructions regarding incident investigation for determining, Cause(s) and/or Offence(s)?	Satisfactory – Section 7.5 to 7.21 provides a comprehensive process which includes incident investigation. Section 4.7 of the MSMS titled ‘Enforcement and Prosecution Policy’ includes investigation requirements. Sampling of incident investigation reports confirms this process is followed. Incident reports are well research with clear safety recommendation made and the results circulated to interested parties. This is an area of best practice.		MJS_002 MJS_024	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	Satisfactory – Section 7.1 of the MSMS titled ‘Incident involving death or crime’ identifies the process.		MJS_002	MJS
GtGP 13.9	Publishing Information	Does the Harbour Authority disseminate information from investigations?	Satisfactory – Section 7.7 of the MSMS titled ‘publishing Information’ identifies the process for incident investigation publication. Evidence sighted.		MJS_002 MJS_024	MJS
2.23	Statutory reporting	Are procedures for reporting incidents to the MAIB in place?	Satisfactory – Section 7.9 of the MSMS titled ‘Reporting Accident to the MAIB’ identifies the process. Evidence of publication sighted.		MJS_002 MJS_024	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	Satisfactory – Internal audits are carried out monthly by the DP. The last external audit was conducted in December 2016.		n/a	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	<p>Satisfactory – Section 4.7 of the MSMS titled ‘Enforcement and Prosecution Policy’ provides the policy context. Section 5.25 of the MSMS provides the application of enforcement. Typically, CHC prosecute every 2-3 years. The policy seeks to educate rather than prosecute. CHC works closely with Hampshire Marine Police to provide enforcement. The employee handbook provides more granular information on day-to-day operations.</p> <p>Observation – the employee handbook is a useful reference guide for staff, however it is noted in a number of places that requirements may be out of date (for example, duties of the Deputy Harbour Master include “enforcement of all statutes and Byelaws appertaining to safety of movement of vessels ...”). The use of port issued byelaws is no longer relevant.</p>	<p>Recommend – the employee handbook (last revision Sep 2013) is revised and updated where necessary.</p>	MJS_002 MJS_022	MJS
2.26-2.28	Publication of plans and reports	Is the requirement for the publishing of the ‘Safety Plan for Marine Operations’ addressed?	<p>Satisfactory – CHC issues an annual review and a strategic plan.</p>		MJS_003 MJS_004	MJS
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users and service providers about safe navigation?	<p>Satisfactory – CHC holds an ‘Annual Port Safety Meeting’ with key navigational interests to raise and discuss any required change to navigational safety. In addition, the Advisory Committee is attended by officers of CHC.</p>		MJS_020	MJS
2.30 – 2.32	Monitoring compliance	Has the Harbour Board confirmed compliance with the PMSC for the port to the MCA within the last three years?	<p>Satisfactory – CHC wrote to the MCA on 16 March 2018 to report compliance with the requirements of the Code.</p>		MJS_025	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	How does the Duty Holder ensure sufficient resources are made available to discharge its marine safety obligations?	Satisfactory – the Chief Executive/Harbour Master can approve financial spending in line with agreed budgets. Capital items are subject to a needs case assessment, a Capital Expenditure request and Board level approval.		MJS_017 MJS_018 MJS_019	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty'?	Satisfactory – Clause 33 of the Harbours, Docks and Piers Clauses Act 1847 is incorporated by virtue of Section 2 of the Cowes Harbour Act 1897. This provides CHC with an Open Port Duty. Section 5.3 of the MSMS title 'Open Port Duty' identifies the requirement.		MJS_001	MJS
3.6 – 3.7	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> ▪ Survey as regularly as necessary ▪ Place navigation marks in optimum positions ▪ Keep 'vigilant watch' for any sea bed changes ▪ Keep hydrographic records ▪ Ensure hydrographic information is published ▪ Update UKHO with chart information. 	Satisfactory – Section 10 of the MSMS is titled 'Conservancy'. This details hydrography, survey policy, aids to navigation, dredging, promulgation of information, regulating harbour works, wrecks and salvage. Sampling of port records identified that: <ul style="list-style-type: none"> ▪ Harbour works licensing is issued [Works Licence No.1 of 2019 reviewed] ▪ Marine Licence issued by the MMO under Part 4 of the Marine and Coastal Access Act 2009 to CHC allows for dredge and disposal (separate maintenance and capital licence held). ▪ CHC and the UKHO has an agreement (issued 03 Oct 2011) for the exchange of materials and products (this is considered best practice) ▪ There is a full harbour survey conducted annually. This information informs dredge management. CHC provides information on the latest charted information to UKHO via the contracted survey provider (Shoreline Survey). Evidence sighted. ▪ Information on weather and tidal conditions is gathered and made available to port users via the Harbour's met information and website. <p>This topic area is considered an area of best practice.</p>		MJS_002 MJS_026 MJS_027 MJS_028 MJS_029 MJS_030 https://www.cowesharbourcommission.co.uk/ukho_charts https://www.cowesharbourcommission.co.uk/weather_and_tides	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 1.9.11, and 7.7	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	Satisfactory – Section 10.7 of the MSMS is titled 'Regulating Harbour Works' states that: "CHC has powers to license works where they extend below the high watermark, ...". Evidence of licensing sighted.		MJS_001 MJS_026	MJS
GtGP 1.9.11, and 7.7	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Satisfactory – CHC does not have powers to licence tugs.		MJS_001	MJS
3.8	Environmental duty	Does the Harbour Authority have an understanding of environmental designated areas? Does the MSMS include reference to environmental duties?	Satisfactory – CHC has an understanding of International, European and National nature conservation areas within the SHA's jurisdictional boundary. Information is provided to the Port Community on the harbour's website.		https://www.cowesharbourcommission.co.uk/environment	MJS
		Does the MSMS include reference to responsibilities of public bodies in respect of biodiversity (under The Natural Environment and Rural Communities Act 2006)?	Satisfactory – Section 5.5 of the MSMS is titled 'Environmental Duty' states that: "Cowes Harbour Authority also has to comply with The Natural Environment and Rural Communities Act 2006, which strengthened the requirement for public bodies, including statutory undertakers, to have regard for bio-diversity in undertaking their activities".		MJS_002	MJS
3.9	Civil Contingency Duty and Emergency Planning	Does the MSMS include reference to the Harbour Authority's obligations as a Category 2 responder?	Satisfactory – Section 5.6 of the MSMS is titled 'Civil contingencies duty'. CHC is identified as a Category 2 responder.		MJS_002	MJS
3.10 – 3.11	Harbour Authority Powers and review	Has the Harbour Authority reviewed its powers?	See response to Audit Report section 2.3-2.6 'Have the Harbour Authority's existing powers been reviewed?'		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	Satisfactory – CHC's Acts and Orders are provided on the harbour's website. The Acts are compiled, with repealed sections identified. CHC has demonstrated an intent to systematically review its Acts (i.e., its duties and powers) over a number of years with HROs being sought to acquire new powers where relevant. For example, the 2012 HRO granting powers of General Direction. CHC is currently carrying out a legal review of its Acts. This is considered an area of best practice.		MJS_001	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?	Satisfactory – appointment of the current Harbour Master sighted in Harbour Board Meeting minutes.		n/a	MJS
4.3 – 4.5	Byelaws	Date of last byelaw review. Are Byelaws available to the public?	See response to Audit Report section 2.3-2.6 'Are Byelaws reviewed to ensure that they remain fit for purpose?'		n/a	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master's powers of Direction shown in the MSMS, how is delegation identified?	Satisfactory – Section 9.2 of the MSMS is titled 'CHC's Powers' and outlines Special Directions. The information identifies that: <i>"Special directions are not for setting general rules but relate to specific vessels – or in an emergency, to a class of vessels - on particular occasions. The powers of direction are also exercisable by a harbour master's assistant - or any other person designated for the purpose in accordance with the authority's statutory powers."</i> Observation – whilst the MSMS identifies that the harbour master's assistant may use the power of special direction, there is no definitive list of who this applies to. Anecdotally, it was considered that Deputies are included, but it was unclear if Coxswains of harbour patrol craft could use a Special Direction.	Recommend – that the delegation of powers of Special Direction is detailed within the MSMS.	MJS_002	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	Satisfactory – Section 9.2 provides a section on General Directions. These powers are available to the Authority, by virtue of the Cowes HRO 2012. The MSMS identifies how General Directions are applied. Observation – CHC has the power to issue temporary General Directions. This information is not detailed with the MSMS.	Recommend – it would be useful to outline the use of temporary General Directions. It may also be prudent to capture the process used to create and issue a temporary General Direction as an SOP.	MJS_002	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	Harbour directions are not used by CHC (as General Directions are available).	n/a	n/a	MJS

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 6.2	Dangerous Substances	Is there an effective emergency plan in place for dangerous substances?	<p>Satisfactory – Section 5.11 and 5.12 details the process for Dangerous Substances (as defined under the Regulations) within the harbour area.</p> <p>Observation – the MSMS references the Dangerous Substances in Harbour Areas Regulations (DSHAR) 1987. These regulations have now been superseded by the Dangerous Goods in Harbour Areas Regulations (DGHAR) issued in October 2016.</p>	<p>Recommend – updating references to the latest regulations (DGHAR 2016).</p>	MJS_002	MJS
4.10	Dangerous vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	<p>Satisfactory – Section 5.10 details the process for issuing direction to dangerous vessels in the harbour. Reference is also made to the Secretary of State’s Representative (SOSREP).</p>		MJS_002	MJS
GtGP 8.4	Vessel Traffic Monitoring reporting requirements	Is vessel traffic monitoring information passed to the MCA by the quickest means?	<p>Satisfactory – CHC sits within the VTS area of Southampton. CERS reporting is carried out by the agents and Southampton VTS.</p>		n/a	MJS
GtGP 8.4	Vessel Traffic Services / Local Port Services	Has the need for VTS/LPS been reviewed recently?	<p>Satisfactory – Section 5.15 identifies the requirement for harbour authorities to evaluate the provision of Vessel Traffic Services (VTS) or Local Port Services (LPS). This is a requirement under Marine Guidance Note (MGN) 401, issued by the MCA. CHC maintains a risk assessment (number 31) which determines the safety of navigation without a VTS. The assessment has concluded that: “CHC has decided that a full VTS service is not required in Cowes”.</p> <p>Observation – the inclusion of a risk assessment specifically on the need for VTS and/or requirements for an LPS is a requirement for all harbour authorities. This type of strategic assessment may be better documented as a ‘formalised risk assessment’, outside of the annualised risk review process.</p>	<p>Recommend – the process and type of assessment for LPS/VTS is further considered to decide if the current method is the most effective format.</p>	MJS_002	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	<p>Satisfactory – the Authority is a CHA under the meaning of the Pilotage Act 1987. The CHA area is the same limits as the SHA area.</p> <p>Observation – the MSMS has a ‘jurisdictional map’, this does not define if the boundary is a SHA or CHA.,</p>	<p>Recommend – adding a note to the port map for SHA/CHA limit.</p>	MJS_002	MJS

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. 4.11 GtGP 9.0	Cont. Pilotage	Are pilotage directions available?	Satisfactory – CHC issue Pilotage Directions, these are available from the Harbour's website, dated January 2020. The directions contain a revision history identifying continual review and issue.		https://www.cowesharbourcommission.co.uk/pilotage	MJS
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots detailed?	Satisfactory – the Pilotage Directions identify the process for full pilotage licence in Section 2.6 of the Directions.		MJS_032	MJS
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement international regulations on pilot training & certification?	Satisfactory – Section 11.2 'Providing a [Pilotage] service' under the heading 'training' commits the Authority to: <i>"the [Pilot] training standards should be appropriate to the National Occupational Standards (NOC)".</i> Certificates from a Pilot were sighted. Observation – evidence from the training matrix does not make it clear if CHC pilot training has been compared and aligned to the Pilot NOC.	Recommend – reviewing and updating the training matrix, with specific reference to Pilot training requirements and NOCs.	MJS_002 MJS_033	MJS
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	Satisfactory – PEC application and examination process is detailed in Schedule 2 of the Pilotage Directions. CHC maintain a listing of all issued PECs, the list was sampled for currency of records. Observation – Section 11.7 of the MSMS titled 'Eligibility for a PEC' states that: <i>"The CHA will issue a PEC to applicants who are bona fide the master or chief officer of a vessel".</i> This requirement is correctly stated in the Pilotage Direction as: <i>"Pilotage Exemption Certificates may be awarded to Masters and certified deck officers ..."</i> .	Recommend – that the information in the MSMS on Pilotage is compared with the latest issue of the Pilotage Directions; unnecessary detail may be usefully removed from the MSMS with a reference provided to the Pilotage Directions.	MJS_002 MJS_031	MJS
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	Satisfactory – the Pilotage Directions identify the need for a port passage plan. Information, including a chart image and master/pilot exchange is provided in the Pilotage Directions. The Harbour's website also provides guidance on passage planning.		https://www.cowesharbourcommission.co.uk/cowes_passage_planning_guidance	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	Satisfactory – the Authority provides extensive user guidance for the visitor and recreational community. Port users are guided to sign-up for the Notice to Mariners and the e-newsletter. Engagement occurs locally through proactive engagement with clubs and event organisers.		https://www.cowesharbourcommission.co.uk/welcome_to_cowes	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?	Satisfactory – the Harbour Board set the dues, which are reviewed in Sep/Oct and approved by the Board. These are published on the Harbour’s website. The notice reads: <i>“The following scales of charges and dues, as authorised by Sections 26 and 27 of the Harbour Act 1964, will be brought into force in Cowes Harbour on 1st January 2019 and are payable by all vessels and hovercraft entering, using and leaving the Harbour.”</i>		https://www.cowesharbourcommission.co.uk/content/S635261765563908361/2019_CHC_Schedule_of_Charges_and_Dues_Cowes_Harbour_B.pdf	MJS
4.21-4.24	Aids to Navigation	Are defects and rectification of defects recorded?	Satisfactory – evidence of reporting to Trinity House, and defect reporting and management is maintained by CHC in its role as Local Lighthouse Authority (LLA). The Trinity House inspection report from 09-Sep-2019 was sighted. The defect reporting process was sighted.		MJS_013 MJS_014 MJS_015	MJS
4.25-4.32	Wrecks and Abandoned Vessels or abandoned vessels?	Does the MSMS refer to powers for dealing with wrecks or abandoned vessels?	Satisfactory – Section 4.26 provides a policy on ‘wrecks’, Section 5.21 provides duties and powers relating to wrecks and Section 10.8 provides information on dealing with wrecks under conservancy. A fishing vessel sank in 2016 which was lifted at CHC’s expense. Evidence sighted.		MJS_002	MJS
GtGP -10	Towage Operations	Are berthing/unberthing operations using tugs risk assessed? Are non-routine tows pre-approved?	Satisfactory – harbour towage is not routinely available. Any specific (non-routine tows) are subject to a specific risk assessment which would be approved by CHC in advance. Example of Towage Plan for MV Sea Trident from Cowes – May 2019 sighted.		MJS_034 MJS_035 MJS_036 MJS_037	MJS
GtGP - 10.4	Diving Operations	Does the MSMS include a procedure for the regulation and management of diving?	Satisfactory – Cowes Harbour General Direction 4.5 requires that: <i>“no person shall undertake underwater or diving activities without a valid permit to dive ...”</i> . A diving and swimming request form is available from CHC. The form identifies if permission is granted for the planned activity.		https://www.cowesharbourcommission.co.uk/content/S635254754119042476/Cowes_Harbour_Diving_and_Swimming_Request_Form.pdf	MJS
	Hot Work Permits	Does the Harbour Authority issue and manage Hot Work Permits?	Satisfactory – Cowes Harbour General Direction 4.7 requires that contractors seek permission from CHC before works proceed (including welding and hot works on commercial vessels). The Boatyard Service Request form identifies the requirement to notify Hot Works prior to carryout out these activities on CHC property.		https://www.cowesharbourcommission.co.uk/content/S635255586660927580/CHS_service_request_for_m_editable_3.pdf	MJS

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