



ISLE OF WIGHT COUNCIL

NEWPORT HARBOUR PORT MARINE SAFETY CODE AUDIT - 16 OCTOBER 2018



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MARINE AND RISK CONSULTANTS LTD

ISLE OF WIGHT COUNCIL

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Prepared for: Isle of Wight Council
County Hall
Newport
Isle of Wight
PO30 1UD

Author(s): David Foster
Checked By: William Heaps

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Marine and Risk Consultants Ltd
Marico Marine
Bramshaw
Lyndhurst
SO43 7JB
Hampshire
United Kingdom

Tel. + 44 (0) 2380 811133

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EXECUTIVE SUMMARY

On 1 April 2016 2014 the Isle of Wight Council reappointed Marine and Risk Consultants Ltd (Marico Marine) to continue to provide an independent Designated Person service for Newport Harbour as specified in the in the Port Marine Safety Code and as detailed in the “A Guide to Good Practice on Port Operations” for a further three years extension.

As part of the Designated Person service, this Port Marine Safety Code compliance audit was conducted by Mr D M Foster on 16 Oct 18.

This audit was originally scheduled to be conducted in the Q1/18 but has been delayed to allow more time to address the issues identified in the previous Designated Person audit conducted in January 2017 and in the MCA Port Marine Safety Code Health Check report dated 25 October 2017.

The following are the main observations and recommendations of this audit report:

- The Newport Harbour Revision Order is the final stages of the consent process and draft General/Harbour Directions are being prepared;
- Review the management of Ryde and Ventnor harbours;
- A Newport Harbour Committee has been formed to act as the Duty Holder and met for the first time on 24 September 2018;
- It is recommended that the Duty Holder reviews the statement of commitment to the Port Marine Safety Code and the overall policies in the Marine Safety Management System;
- The Newport Harbour Users Group continues to function well and the local marina operators have been enlisted as members;
- It is recommended that the Newport Harbour website is reviewed and updated;
- It is recommended that the Navigation Risk Assessment is thoroughly reviewed, with full stakeholder participation, paying particular attention to the change in the commercial operations at Vestas factory wharf and Black House Quay;
- The Marine Safety Management System has been significantly updated (Version 1.2) in anticipation of the granting of the Harbour Revision Order;
- It is recommended that the Harbour Emergency Plan is reviewed and updated;
- It is recommended that more attention is paid to emergency training and exercises;
- It is recommended that the current marine operations at Black House Quay are reviewed;
- It is recommended that the Vestas factory wharf marine operations reviewed to ensure that the current mitigation measures remain sufficient and appropriate for the increased tempo of movements;

- It is recommended that the Newport Harbour workboat is inspected and certificated by the MCA as a matter of priority;
- It is recommended that a bunkering procedure is developed and a permit system is introduced;
- The major project to replace the Folly piles and pontoon moorings has been completed successfully and now provides high standard yacht mooring facilities; and
- It is recommended that the Senior Harbour Master is encouraged to take a more active part in the Solent and Southern Harbour Masters Association and visit another similar sized harbour to compare notes.

CONTENTS

Executive Summary	ii
Contents	iv
Introduction	1
1 The Legal Background	3
1.1 Comments	5
2 Accountability for Marine Safety	6
2.1 Comments	7
3 Consultation and Communication	9
3.1 Comments	10
4 Risk Assessment	11
4.1 Comments	12
5 Marine Safety Management System	13
5.1 Comments	14
6 Emergency Preparedness and Response	16
6.1 Comments	16
7 Conservancy	18
7.1 Comments	20
8 Management of Navigation	21
8.1 Comments	22
9 Pilotage	23
9.1 Comments	25
10 Ship Towage Operations	26
10.1 Comments	27
11 Marine Services	28
11.1 Comments	29
12 Professional Qualifications and Competencies for Port marine Personnel	31
12.1 Comments	32
13 Accident Reporting & Investigation and Enforcement	34
13.1 Comments	35

INTRODUCTION

On 1 April 2016 2014 the Isle of Wight Council (IOWC) reappointed Marine and Risk Consultants Ltd (Marico Marine) to continue to provide an independent Designated Person (DP) service for Newport Harbour as specified in the in the Port Marine Safety Code and as detailed in the “A Guide to Good Practice on Port Operations” for a further three year extension.

As part of the Designated Person service, this Port Marine Safety Code (the Code) compliance audit was conducted by Mr D M Foster on 16 Oct 18 using a checklist derived from the Port Marine Safety Code (November 2016) and the associated “A Guide to Good Practice on Port Marine Operations (March 2018)” (GtGP).

This audit was originally scheduled to be conducted in the Q1/18 but has been delayed to allow more time to address the issues identified in the previous Designated Person audit carried out in January 2017 and in the MCA Port Marine Safety Code Health Check report dated 25 Oct 17.

The following previous PMSC audits have been undertaken:

Table 1: Previous PMSC Audit Reports

Audit	Date of Audit	Marico Report
PMSC Audit 2014	21 Aug 14	14UK1025-01 dated 2 Sep 14
PMSC Audit 2015	17 Feb 15	14UK1025-01 dated 5 Mar 15
PMSC Audit 2016	17 Feb 16	14UK1025-01 dated 25 Feb 16
PMSC Audit 2017	31 Jan 17	14UK1025-01 dated 15 Feb 17

The following audit programme was arranged by the Harbour Master:

Table 2: 16 October 2018.

Time	Location	Present	Comments
0910 - 1000	HM Office	J Brand (IOW Council) D Foster (Marico)	Walk round Newport Harbour.
1000 - 1345	Council Offices	J Brand (IOW Council) D Foster (Marico)	Office Based Audit.
1430 - 1530	Folly	J Brand (IOW Council) D Foster (Marico)	Boat to view new yacht pontoons and Vestas factory and berth.

1545 - 1630	Council Offices	J Hobart (Chair Harbour Committee) N Wright (IOW Council) L Edmonston (IOW Council) J Brand (IOW Council) D Foster (Marico)	Wash up meeting
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The thirteen sections of this report follow the chapter headings used in the GtGP with cross references to paragraphs in both the PMSC and GtGP. At the end of each section there are some additional observations and recommendations.

1 THE LEGAL BACKGROUND

The duties of a harbour authority are of three kinds: statutory duties imposed either in the local legislation for that authority or in general legislation, general common-law and fiduciary duties.

The Code includes a brief general summary of the main duties and powers that are common to many harbour authorities in relation to marine operations. It also contains guidance as to how some of these duties and powers should be exercised consistent with good practice.

There are several general principles:

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

Some duties, and each harbour authority's powers, are contained in local Acts and Orders, and, although they have much in common, the detail varies from port to port. Most are established by the incorporation or transposition into local Acts and Orders of model provisions in the Harbours, Docks and Piers Clauses Act 1847. Other duties and powers are in general legislation - for example, the Harbours Act 1964, the Dangerous Vessels Act 1985, the Pilotage Act 1987 and the Merchant Shipping Act 1995.

The duty holder is responsible for ensuring that the organisation complies with the Code. In order to effectively undertake this role they should:

- Be aware of the organisation's powers and duties related to marine safety;
- Ensure that a suitable Marine Safety Management System (MSMS), which employs formal safety assessment techniques, is in place;
- Appoint a suitable designated person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;
- Appoint competent people to manage marine safety;
- Ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set; and
- Report compliance with the Code to the MCA every 3 years.

Existing powers should be reviewed on a periodic basis by harbour authorities, to avoid a failure in discharging its duties or risk exceeding its powers.

1	GtGP	PMSC		Y/N	Comment
.1	1.5-1.6	1.3 -1.5	Is the legislation applicable to the harbour authority known and listed?	Y	List held by the Head of Legal Services.
.2	1.3-1.4	3.11	Are the statutory duties and powers of the harbour effective for purpose?	N	See below.
.3	1.6.1	3.11	Are the harbour limits of jurisdiction appropriate to the current activity of the port?	Y	See below.
.4	5.1.9	E.S. 2-5	Is the Harbour Authority aware of all marine berths, terminals and jetties within the SHA and listed in the SMS?	Y	
.5	1.6.2	4.2	Is the Harbour Master familiar with and does he understand the extent of his legal powers?	Y	Fully. Currently the Harbour Master has limited powers. See below
.6	1.9.7	4.3 -4.4	Does the harbour have Byelaws?	Y	Dated 1925 and 1991. See below.
.7	1.6.1	2.3-2.6 3.11	Is the legislation reviewed regularly to determine if fit for purpose and adequately covers risks identified?	Y	Current legislation deemed not to be fit for purpose. See below.
.8	1.8	4.6-4.7	Does the harbour authority have powers of Special Directions?	Y	From the Harbours Docks and Clauses Act 1847. See below.
.9	1.9	4.8-4.9	Does the harbour authority have powers of General Direction / Harbour Directions?	N	See below.
.10	1.9.4	3.13	Are there grounds for applying for a Harbour Revision Order?	Y	See below.
.11	1.9.11		Does the harbour authority issue licences (e.g. port craft, local watermen or works etc.)?	Y	Mooring Licenses.
.12	1.9.12	2.25	Is a clear enforcement policy in existence, clearly promulgated and adequately resourced?	Y	In the MSMS

1.1 COMMENTS

1.2, 1.5, 1.6, 1.7, 1.8 and 1.9 To address, among others, the issues listed above the Isle of Wight (IOW) Council have applied for a Harbour Revision Order that includes the powers of General Direction.

The formal consultation process has been completed, the draft HRO has been submitted to the Marine Management Organisation (MMO) and the draft has since been returned to the IOW Council to try resolve a number of outstanding local objections.

1.3 The IOW Council also manage Ryde and Ventnor Harbours; these harbours do not have a Designated Person appointed and were not part of this PMSC audit.

1.6 The byelaws are of restricted operational value only covering:

- 4kt speed limits to the South of Five Trees Point; and
- The running of propulsion whilst alongside.

1.9 The Senior Harbour Master has started to draft Newport Harbour General Directions in the expectation that the HRO will be approved and the IOW Council are given the appropriate powers.

The process for introducing or changing General/Harbour Directions involves obligatory stakeholder consultation.

2 ACCOUNTABILITY FOR MARINE SAFETY

This section identifies who is accountable for marine safety and is based on the following general principles:

- The duty holder is accountable for safe and efficient marine operations;
- An organisation has a range of statutory and non-statutory duties;
- The Code represents the national standard against which the policies, procedures and performance of organisations may be measured;
- Organisations should make a clear, published commitment to comply with the standards laid down in the Code;
- Executive and operational responsibilities for marine safety must be clearly assigned, and those entrusted with these responsibilities must be appropriately trained, experienced and qualified to undertake their duties and be answerable for their performance; and
- A designated person must be appointed to provide independent assurance about the operation of an organisation's marine safety management system. The designated person must have direct access to the duty holder.

The key to effective discharge of the functions described in the Code is the development and proper operation of a MSMS for marine operations. That, in turn, depends upon a clear assignment of relevant executive and operational responsibilities to the organisation's staff.

2	GtGP	PMSC		Y/N	Comment
.1	2.1.1	1.6-1.8	Is the duty holder defined and published?	Y	See below.
.2	2.2	1.1	Has the organisation published a commitment to comply with standards laid down in the Code?	Y	In the MSMS. See below.
.3	2.2.5	1.1 1.13- 1.17	Are the executive and operational duties stated and assigned?	Y	In the MSMS.
.4	2.2.19	1.6-1.10	Does the duty holder have an understanding of port marine activities, MSMS and supporting policies and procedures?	Y	Training given 22 Aug 18 by the Designated Person.
.5	2.2.22, 2.2.23	1.2	Do new Duty Holders receive PMSC training as part of their induction?	Y	Training given 22 Aug 18 by the Designated Person.
.6	2.2.20	1.9, 1.14- 1.15	Has a Harbour Master been appointed?	Y	See below.
.7	2.1.1, 2.2.21 2.2.25-38	1.11- 1.12	Has a designated person (DP) been appointed?	Y	D Foster, Marico Marine.
.8	2.1.21 2.2.26	1.11	Does the DP have sufficient independence?	Y	
.9	2.2.25	1.11	Does the DP have direct access to the Duty Holder?	Y	
.10	2.2.26 – 38, 2.2.30	1.11	Does the DP provide an effective level of assurance, through assessment and audit to the Duty Holder?	Y	Including attending the initial Harbour Committee meetings.
.11		1.8, 2.30, 2.31	Has the Duty Holder sent a letter of Code compliance to the MCA within the last three years?	Y/N	Not compliant.

2.1 COMMENTS

2.1 A Harbour Committee, consisting of seven elected members of the IOW Council, has been formed to act as Duty Holder.

The Harbour Committee met for the first time 24 Sep 18.

2.2 The commitment to comply with the PMSC and the associated marine policies are contained in the MSMS (Version 1.2).

It is recommended that the newly formed Harbour Committee review and ratify the PMSC commitment and policies to ensure they remain appropriate.

2.6 The following comment was made in the 2016 audit report:

The Senior Harbour Master oversees Newport, Ryde and Ventnor harbours.

A part time Harbour Master (3 days a week) looks after Newport assisted by two harbour labourers. Currently, as a consequence of their shift patterns and their employment contracts, the harbour is not always manned three hours either side of High Water when vessels are most likely to be using it. This not only reduces the opportunity to collect harbour dues but also results in nobody being on hand to direct mooring and liaise with visiting yachts.

This matter has still not been resolved and has recently been exacerbated by the Newport Harbour Master being off work long term sick.

It appears that currently the Senior Harbour Master is having to concentrate too much of his time on the Newport day to day simple harbour activities rather than on overall PMSC Compliance and the "Get Well Plan".

3 CONSULTATION AND COMMUNICATION

Harbour authorities should consult, as appropriate, those likely to be involved in or affected by the MSMS adopted. This opportunity should be taken to develop a consensus about safe navigation in the harbour.

Consultation takes various forms. There are some specific statutory obligations which should form the basis for general consultation with users and other interests. There should also be established formal procedures for consulting employees – including, in the case of Marine Operations, any person not directly employed, but who offers their contractual services, either directly to the port, or indirectly through the ship-owner or their local representative.

3	GtGP	PMSC		Y/N	Comment
.1	3.1.2, 3.2.1-5	2.17, 2.29	Does the organisation consult appropriate stakeholders involved with or affected by the MSMS?	Y	See below.
.2	3.2.2, 3.2.3	3.13, 4.9	Does the harbour have any outstanding consultations for statutory procedures (HRO or Byelaw updates)?	Y	Final stages of the HRO application.
.3	3.2.6 3.2.7	2.17, 4.8- 4.9	Have users been consulted on any new General, Harbour or Pilotage Directions?	Y/N	Will be required if IOW Council get the powers of General Direction in the HRO.
.4	3.2.10-11		Has the organisation established stakeholder advisory or consultative committees?	Y	See below.
.5	3.2.12	2.17	Are plans, reports, information and/or advice affected by or affecting harbour users communicated effectively to them?	Y	Part of the NHUG agenda.
.6	5.1.1, 5.1.12	2.26-2.28	Does the organisation have a Marine Safety Management Plan and routinely publish an assessment of their performance against the plan?	Y	2018 to 2020 plan.

3	GtGP	PMSC		Y/N	Comment
.7	3.1.4, 5.1.6	2.17	Does a communication channel exist with employees / contractors affected by the MSMS?	Y	Senior Harbour Master's Monthly Team Meeting.
.8	3.2.12	2.28	Does the organisation utilise web sites to publish marine procedures and reports?	Y	See below.

3.1 COMMENTS

3.1, 3.4 The Newport Harbour User Group (NHUG) meets four time a year; the membership has been expanded to include representation from Island Harbour Marina.

A full list of the membership is contained in the MSMS.

3.8 The Newport Harbour website is part of the IOW Council's overall website. It is not easy to locate but contains some useful information and has been recently updated to including Notices to Mariners and tidal information.

There is an aspiration to update the website and make it easier to locate.

4 RISK ASSESSMENT

The risks associated with marine operations need to be assessed and a means of controlling them needs to be deployed. The aim of this process is to eliminate the risk or, failing that, to reduce risks as low as reasonably practicable. Formal risk assessments should be used to:

- Identify hazards and analyse risks;
- Assess those risks against an appropriate standard of acceptability; and
- Where appropriate, consider a cost-benefit assessment of risk-reduction measures.

The process of assessment is continuous so that both new hazards to navigation and marine operations and changed risks are properly identified and addressed. Where appropriate, organisations should publish details of their risk assessments. Risk assessments should be reviewed on a planned periodic basis.

4	GtGP	PMSC		Y/N	Comment
.1	4.1.1	2.7-2.11	Has a formal navigation risk assessment (NRA) been carried out for the organisation?	Y	In 2016. See below.
.2	4.2	2.1, 2.7	Does the NRA address all marine hazards? Hazards should include; collision, contact, grounding, and foundering within the port area, identifying key vessel types?	Y	See below.
.3	4.2.23	2.7, 2.12	Have risk controls been properly applied?	Y/N	Very few risk controls. See below.
.3	4.2.28	2.8	Has the NRA been carried out by suitably qualified people?	Y/N	See below
.4	4.1.5	2.11	Have stakeholders been consulted on existing or new risk assessments?	N	See below.
.5	4.2.5	2.9-2.11	Is the NRA routinely and regularly reviewed so that new hazards and "changed risks" are identified and addressed?	N	See below.
.6	4.3	2.9	Does the NRA process allow for special circumstances (e.g. "Dynamic RA" for an unusual operation or event)?	Y	Including a proforma in the MSMS version 1.2.

4	GtGP	PMSC		Y/N	Comment
.7	4.2.6	2.10, 2.21	Is any review process of the NRA inclusive of input from accident/incident investigations either internal or external (e.g. MAIB)?	N	See below.
.8	4.1.6	2.9	Is the NRA available to those they affect?	Y	On request.
.9	3.3.		Are other port user risk assessments (e.g. towage and line handling etc.) taken into account?	Y/N	See below.
.10	4.2.7	2.7-2.11	Does the NRA output rank hazards by risk score?	Y/N	See below.
	4.2.7		Is the Duty Holder aware of the top risks?	N	See below.

4.1 COMMENTS

4.1 to 4.5 The following comment was in the 2016 audit report:

The original Navigation Risk Assessment (NRA) was conducted by the Senior Harbour Master shortly after he came into post in November 2014. It was one of a number of high priority tasks that were required to bring Newport Harbour closer to PMSC compliance. At the time the stakeholders were not consulted.

The NRA has still not been reviewed since it was originally prepared; ideally the NRA should be reviewed at least once a year and/or after any significant incident.

It is again recommended that the Navigation Risk Assessment is thoroughly reviewed with the full participation of harbour users; this is particularly imperative with the increase of the MV Blade Runner Vestas turbine blade transport traffic and the associated pilotage and navigational safety issues.

4.10 The current NRA is somewhat rudimentary but a ranked hazard list could be extracted by inspection.

In the past, the Duty Holder was not routinely briefed on the top risks; it is recommended that the newly formed Harbour Committee introduce a six monthly ranked risk report as a standing agenda item.

5 MARINE SAFETY MANAGEMENT SYSTEM

The Code relies upon the principle that all harbour authorities will base their policies, and procedures relating to marine operations, on a formal assessment of hazards and risks to marine operations. They should maintain a formal navigational MSMS developed from that risk assessment and any subsequent supporting risk assessments deemed necessary as the MSMS develops and evolves over time and as a result of changing trade and port usage.

The aim of a MSMS is to minimise risks. Risk assessment methods are used to decide on priorities and to set objectives for eliminating hazards and reducing risks. Wherever possible, risks are eliminated through selection and design of facilities, equipment and procedures. If risks cannot be eliminated, they are minimised by physical controls, or as a last resort, through systems of work. Performance standards are established and used for measuring achievement. Specific actions to promote a positive safety culture are identified.

The formal risk assessment of the port's marine activities (routine and non-routine) is a documented, structured and systematic process comprising:

- The identification and analysis of hazards;
- An assessment of these hazards against an appropriate standard of acceptability;
- and

A cost-benefit assessment of risk reducing measures where appropriate.

5	GtGP	PMSC		Y/N	Comment
.1	5	2.12	Is there a documented MSMS?	Y	
.2	5.1.10	1.2, 2.12- 2.18	Does the MSMS contain or refer to procedures to cover the major aspects of marine safety within the port? -	Y	
	5.1.5, 5.1.6		Policy statements: Code compliance, Navigation, Marine Conservancy, Environmental, Enforcement and Prosecution.	Y	Environment issues are handled by IOW Council Environment Department. The policies should be reviewed by the new Duty Holder. See 2.2.
	Annex A		National and local legislation;	Y	The main list is held by the IOW Council Legal Services Department.
	5.1.11		Control of ship movements;	NA	

5	GtGP	PMSC		Y/N	Comment
	5.1.11		Environmental impact;	N	Environment issues are handled by IOW Council Environment Department.
	2.2.9		Prevent acts or omissions that may cause personal injury to employees or others;	Y	Supported by the IOW Council Health and Safety Department.
	5.1.9		Roles and responsibilities of key personnel;	Y	
	5.1.11		Marine safety procedures;	Y	
	5.1.12		Incident and near miss recording and analysis;	Y	
	6.1.1		Emergency plans;	Y	Being updated.
	12.2.1, 12.11		Qualifications, recruitment and training;	Y	Matrix listing all harbour staff.
.3	5.1.12	2.14	Does the MSMS contain a procedure for measuring performance including a database to record incidents and near misses?	Y	Currently the harbour uses the IOW Council incident reporting system.
.4	5.1.13	2.14	Does the MSMS include processes for effective (annual) internal audit, review of procedures and external audit?	Y	
.5	4.2.5	2.10	Does the MSMS review process include risk assessment review and are lessons learnt applied to relevant procedures?	Y	
.6	5		Is the MSMS user friendly?	Y/N	See below

5.1 COMMENTS

The MSMS is being reviewed and updated in the expectation that the HRO and General Directions will be approved shortly. The draft revised MSMS (Version 1.2) was audited.

5.6 The revised MSMS is comprehensive and reflects a lot of work by the Senior Harbour Master. It would benefit from a detailed index.

The revised MSMS contains a number of new regulations and procedures; it is recommended that they be fully promulgated as General Direction (including during the consultation process), at the Newtown HUG and by Notices to Mariners.

6 EMERGENCY PREPAREDNESS AND RESPONSE

The Code states that a MSMS should refer to emergency plans - and these should be developed as far as practicable, based on the formal risk assessment. Emergency plans need to be published and exercised.

Factors to be considered can range from designating emergency anchorages and potential beaching points for vessels to considering the effects of a lock gate failure or impounding pump breakdown. The emergency might be a fishing vessel suffering from a flooding engine room to a yacht catching fire. Whatever the situation, by taking a planned approach, evaluating the effectiveness of such a plan and modifying the plan when necessary, you will not only reduce the impact of potential problems, you will also be cost effective.

6	GtGP	PMSC		Y/N	Comment
.1			Does the organisation have emergency plans for:		
	6	2.14,3.9	Marine operations;	Y	See below.
	6.4		Pollution (MCA);	Y	Approved by the MCA. See below.
	6.2.5		Explosives (HSE).	NA	
.2	5	2.14	Are emergency plans included in or referred to in the SMS?	Y	
.3	6.1.2	3.9	Is the organisation included in larger national or regional plans?	Y	IOW Council Emergency Plan.
.4	6.8.13		Does the organisation have a published exercise programme and carried out exercises?	N	See below.
.5	6.2 6.3		Does the SMS address the handling of dangerous or polluting cargoes/substances?	NA	

6.1 COMMENTS

6.1 The Emergency Plan is dated Feb 14 and requires updating to reflect the many changes since it was published.

Oil Spill Response - Adler and Allan have been appointed as the secondary responder and there is also good liaison between Newport Harbour and Cowes Harbour Commissioners.

6.4 The MSMS and the MCA approved OPRC plan contains the training and exercise requirement.

The Senior Harbour Master completed the Oil Spill 4P training on the 18 Aug 17 that expires 18 Aug 20.

There is no record of any exercises having taken place or plans for a future oil spill or harbour emergency exercise.

7 CONSERVANCY

A harbour authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely.

Harbour authorities should provide users of the harbour with enough information about conditions in the harbour such as depths of water, local Notices to Mariners, etc.

Harbour authorities have duties and powers as local lighthouse authorities (or providers of local aids to navigation); and specific powers in relation to wrecks.

The duties described above cover specific requirements as detailed below:

- To survey as regularly as necessary and find the best navigable channels;
- To place and maintain navigation marks where they will be of the best use to navigations;
- To keep a 'vigilant watch' for any changes in the sea or river bed affecting the channel or channels and move or renew navigation marks as appropriate;
- To keep proper hydrographic and hydrological records;
- To ensure that hydrographic information is published in a timely manner; and
- To provide regular returns and other information about the authorities' local aids to navigation as the General Lighthouse Authority may require.

7	GtGP	PMSC		Y/N	Comment
.1	7.1.1	3.6	Does the harbour authority understand its conservancy duties?	Y	
.2	7.2	3.6-3.7	Does the harbour authority: Carry out regular hydrographic surveys;	Y	Policy and programme in the MSMS. Main channel surveyed in 2017.
	7.2.15		Maintain navigation marks in optimum position;	Y	
	7.2.17		Monitor changes in the sea or river bed;	Y	
	7.3		Keep proper hydrographic and hydrological records.	Y	

7	GtGP	PMSC		Y/N	Comment
.3	7.3.3	3.6-3.7	Does the harbour authority take action on, and promulgate the results of surveys (including to the UKHO)?	Y	By the survey company (Shoreline Surveys Ltd).
.4	7.1A, 7.1.1	3.6	Does the Harbour Authority have procedures for ensuring NAABSA berths are safe?	N	See below.
.5	(7.3.3, 7.3.4), 3.2.13	3.6, 4.23, 4.24	Is communication regularly maintained with and information and returns supplied, when required to the appropriate GLA?	Y	
6.	7.5.1, 7.5.5	4.21 – 4.24	Is the Harbour Authority the LLA?	Y	Trinity House conducted their annual inspection 24 Sep 18.
.7	7.5	4.21-4.24	Are Aids to Navigation maintained by the harbour authority in accordance with the availability criteria laid down by the GLA?	Y	
.8	7.4.1		Does the Harbour Authority have the statutory powers to dredge in their local legislation?	Y	
.9	7.4.5, 7.4.6, 7.4.7	3.4	Does the Harbour Authority understand the consent process for capital and maintenance dredging and disposal plus monitor adherence to the consent conditions?	Y	See below.
.10	7.6	4.26	Does the harbour authority have appropriate powers and a defined policy on wreck removal and salvage?	Y	See below.
.11	7.7	3.4	Do the MSMS and works consent process address the possibility of interaction between works/ development/degeneration in or near the harbour and conservancy?	N	Conducted on a case by case basis when required.

7	GtGP	PMSC		Y/N	Comment
.12	7.4	3.8	Does the Harbour Authority exercise its general duties with regard to nature conservation and other related environmental considerations?	Y	By the IOW Council Environmental Department.
			Are there any nature conservation areas in the vicinity of the SHA?	Y	

7.1 COMMENTS

7.4 Black House Quay is a privately operated NAABSA (Not Always Afloat But Safely Aground) berth.

At present the harbour authority is in dispute with the operator of Black house Quay over a number of issues including the overall operation of the berth, the manoeuvring of the MV Goole Star and MV Carmel in the vicinity of the berth and the payment of dues.

The navigational aspects of this matter should be addressed as part NRA review.

7.9 Historically the dredging and disposal consent process is undertaken by IOW Council on behalf of the Senior Harbour Master.

7.10 The campaign to remove derelict vessels from the harbour (and ashore) has continued since the previous audit; the whole harbour is now looking tidy and cared for.

8 MANAGEMENT OF NAVIGATION

This section relates to measures organisations can use to manage navigation in their waters.

Management of a harbour begins in determining which activity is safe and where it can take place, having regard to the physical constraints and the variety of activities being undertaken.

Every harbour is different, and the requirement to manage navigation varies from one to another. A formal assessment of navigational risk (see **Section 4**), as required by the Code, will determine what management of navigation is required, and to what degree; monitoring, controlling or managing traffic needs to be taken in mitigating risk.

8	GtGP	PMSC		Y/N	Comment
.1	8.4	2.13	Does the harbour authority maintain any form of traffic monitoring?	N	
.2	8.4.3, 8.4.9		Has the need for LPS or VTS been formally assessed?	N	
.3	8.4.12, 8.4.3-17		Is the current level of service (LPS/INS/TOS/NAS) appropriate?	NA	
.4	8.75	3.3	Does the Harbour Authority have LPS / VTS procedures?	NA	
.5	8.7.15-17		Does the Harbour Authority enforce the requirement for a Port Passage Plan for visiting vessels?	N	Guidance for visiting yachts is on the IOW Council website and pamphlet.
	8.7.21		Does the Harbour Authority provide abort procedures?	N	
.6	7.5, 8.4	3.6, 4.21-4.24	Have the conservancy provisions (e.g. navigation aids) been assessed in relation to effective management of navigation?	Y	See below.
.7	8.2.1	3.5	Have the needs of all harbour users (including recreation) i.e. "Open port duty" been fully considered in the management of navigation?	Y	
.8	9.4.	4.11, 4.12	Has the organisation identified the needs for pilotage through risk assessment?	Y	See section 9.

8	GtGP	PMSC		Y/N	Comment
.9	8.9		Does the harbour authority operate harbour patrols?	Y	Weekly by the Harbour Staff. Daily by Folly Ventures when they are operating.
.10	8.10.1-11		Does the harbour authority have to accommodate operations or events outside normal commercial activity?	Y	Occasional recreational events. Procedure in MSMS Version 1.2.
.11	8.11		Are there subsea pipelines and/or power cable in the SHA? If so, is their protection contained in the MSMS?	Y	Cable across the upper harbour marked by notice boards.
.12	8.10.22-26		If applicable is there effective liaison between organisation and marina(s)?	Y	Island Harbour and Odessa are now members of Newtown HUG.

8.1 COMMENTS

8.6 Newport Harbour are establishing buoy numbers on the port lateral buoys from the Folly Inn upstream continuing the same numbering system that is used on the CHC buoys up to that point.

9 PILOTAGE

The Code refers, amongst other things, to the main powers and duties which harbour authorities (as a CHA under the provisions of the Pilotage Act 1987) has a duty to assess what, if any, pilotage services are required to secure the safety of ships, and to provide such services as it has been deemed necessary. The use of these powers should follow these general principles:

- Harbour authorities are accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review;
- Harbour authorities should therefore exercise control over the provision of the service, including the use of pilotage directions, and the recruitment, authorisation, examination, employment status, and training of pilots;
- Pilotage should be fully integrated with other port safety services under harbour authority control; and
- Authorised pilots are accountable to their authorising authority for the use they make of their authorisations: harbour authorities should have contracts with authorised pilots, regulating the conditions under which they work - including procedures for resolving disputes.

A CHA must issue pilotage directions if it decides, based on its assessment of the risks, that pilotage should be made compulsory. The directions must specify how and to which vessels they apply. Ship owners and any other interested parties who use the port on a regular basis, must be consulted before the directions are implemented.

9	GtGP	PMSC		Y/N	Comment
.1	9	4.11	Does the harbour authority provide pilotage?	N	See below.
.2	9.4.14-17	4.12	Has the harbour authority issued pilotage directions?	N	
.3	9.4.1	4.11	Is the pilotage provision continuously updated through risk assessment?	Y	See below.
.4	9.3		Is there a suitable Master/Pilot exchange including a Pilotage Passage Plan and are records maintained?	NA	
.5	9.5	4.15, 4.16	Does the harbour authority issue Pilotage Exemption Certificates (PEC)?	N	

9	GtGP	PMSC		Y/N	Comment
.6		4.15	Does the harbour authority maintain:	NA	
	9.5.6, 9.5.18		PEC syllabus.		
	9.5.16		PEC tripping records.	NA	
	9.5.6		PEC qualification and revalidation records.	NA	
.7	9.4.31	4.14	Is there a formal training scheme for pilots as per the international recommendations contained in IMO resolution A960?	NA	
	9.4.31		Are pilots trained in Bridge Team Management?	NA	
.8	9.4.31, 9.5.6	4.13	Does the harbour authority regularly monitor the competence and fitness of pilots and PEC holders?	NA	
.9	9.4.45	4.13, 4.16	Are pilots and PEC holders subject to a disciplinary procedure?	NA	
.10	9.4.11		Does the harbour authority sub-contract pilotage?	NA	
.11	9.4.30	4.13-4.14	Does the harbour authority have formal agreements with pilots and pilotage sub-contractors regarding training, revalidation, competence and discipline?	NA	
.12	9.1.1A	4.11	Are pilotage resources kept under review against requirements?	NA	
.13	9.4.18, 9.4.19	4.14	Are pilot boarding and landing arrangements subject to formal risk assessment and specific operational procedures?	NA	
.14	9.4.20	4.11	Does the LPS/VTs require confirmation that the vessel complies with the pilot boarding arrangements?	NA	

9.1 COMMENTS

9.1 and 9.3 Newport Harbour does not provide a pilotage service and is not a Competent Harbour Authority (CHA).

Currently no authorised pilotage is available between the Folly Inn and Newport Harbour; this creates the anomaly were a commercial vessel which requires a pilot to pass through the Cowes CHA area does not require a pilot in the Newport Harbour area where the waters are similarly constricted.

Until recently there have been few commercial vessel movements in the area that were affected by this anomaly however, of late, the MV Blade Runner has resumed operations carrying wind turbine blades from the Vestas factory to Southampton about ten times a month. The blades that are now being carried are considerably longer than those that were carried in the past and overhang the vessel's stern.

Prior to the recent increase of the tempo of the MV Blade Runner movements the Senior Harbour Master conducted a risk assessment that concluded that formal pilotage is not required but additional operating conditions and procedures were agreed with the owners of MV Blade Runner. The additional conditions and conditions are listed the MSMS Version 1.2.

It is recommended that the MV Blade Runner operation is re-examined in detail during the review of the NRA to ascertain whether the current mitigation measures remain sufficient for the increased tempo of commercial movements in the Newport SHA area.

10 SHIP TOWAGE OPERATIONS

While any contract for the use of tugs is formally for the master of a vessel, the use of harbour tugs is one of the principal and most direct means open to a harbour authority to control risk.

Harbour authorities should determine, through risk assessment, appropriate guidance on the use of tugs in harbour areas. Recommendations should include the type of tugs and method of tow (where applicable) in addition to the number of tugs also where appropriate. Interested parties, including towage providers, users and pilots should be consulted in the preparation of such guidance. The guidance should be reflected in towage directions.

There should be procedures for special directions to be used, if necessary, where a master or pilot proposes that the guidelines should not be applied in some respect.

Directions should be reviewed regularly in the light of experience, changes in legislation, tug technology and the operating environment.

10	GtGP	PMSC		Y/N	Comment
.1	10		Does the harbour use tugs?	N	See below.
.2	10.2		Does the risk assessment include the use of tugs as a mitigation measure?	NA	
			Does the harbour authority have access to the towage providers' risk assessments and operational procedures?	NA	
.3	10.2		Have towage services been fully assessed for suitability to the needs of vessels using the harbour?	NA	
.4	10.3		Are the tug resources adequate for harbour needs?	NA	
.5	10.2.3		Are tugs used in restricted visibility?	NA	
.6	10.2.3		Are any special guidelines in use for restricted visibility?	NA	
.7	10.2.8, 10.5		Are there formal liaison arrangements between Harbour Master, tug masters and pilots, including training?	NA	

10	GtGP	PMSC		Y/N	Comment
.8	10.3.10		Do the towage operators have formal procedures that are referred to in the MSMS?	NA	
.9	10.3.10		Has the harbour authority agreed with the tug operators a policy on correct gear and procedures for towing?	NA	
.10	10.2		Have tugs, their gear and procedures been fully integrated into the risk assessment as a risk control?	NA	
.11	10.2	4.6	Do Harbour Masters' procedures include the facility to use special directions if masters and/or pilots propose departure from guidelines?	NA	
.12	10.3.8-13		Does the harbour authority: put in place: <ul style="list-style-type: none"> • Risk assessment; • Method statement; and • Passage plan. with regards to dead tows etc.	NA	
	10.3.11		give written approval for such moves.	NA	
	10.3.13		train pilots in dead-ship towage.	NA	

10.1 COMMENTS

Nil. (No towage operations within SHA area)

11 MARINE SERVICES

“Marine Services” means the support activities carried out by the organisation to maintain safety of navigation and the hydrographic regime. Marine services may be provided by the harbour authority itself or by commercial organisations operating on-site.

There are a number of general principles when operating marine services:

- An authority’s safety management system should cover the use of harbour craft and the provision of moorings;
- The formal safety assessment should be used to identify the need for, and potential benefits for safety management of harbour craft;
- The authority should ensure that harbour vessels or craft which are used in the harbour are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform; and
- Byelaws and the power to give directions are available for these purposes.

Harbour authorities have powers in byelaws and directions to regulate the mooring of vessels in the harbour. The SMS should govern the use of these powers.

11	GtGP	PMSC		Y/N	Comment
.1	11.2		Does the harbour authority exercise any powers of regulation over port craft?	Y/N	See below.
.2	11.2.2		Where port craft do not have to comply with national legislation does the harbour authority impose any form of inspection and licensing?	Y/N	See below.
.3	11.2.2	2.18	Does the harbour authority possess the competencies to carry out inspections on port craft?	N	
.4	11.2.2, 11.2.3		Does the harbour use outside contractors to carry out inspections of port craft on its behalf?	N	See below.
.5	11.3		Has the harbour authority ensured that workboats used in the harbour are “fit for purpose” for any use they are involved with i.e. compliant with appropriate MS Regulations and the 2016 revised work boat code.	Y/N	See below.

11	GtGP	PMSC		Y/N	Comment
.6	11.4, 6.6.3		Does the harbour authority control operations with a process/procedure for:		See below.
			• Hot work;	NA	
			• Bunkering;	N	
			• Engine immobilisation;	NA	
			• Diving/swimmer.	Y	
.7	11.5		Does the harbour authority permit recreational diving in the harbour?	Y	No regulation to prevent it. The intention is to include diving in General Directions when the HRO is approved.
.8	11.6		Does the harbour authority exercise powers in relation to commercial vessel mooring plans and mooring parties?	NA	
.9	11.6		Does the harbour authority regulate the mooring of vessels in the harbour?	Y	Via the Mooring Licence System. See below.
	11.6		Does the harbour authority ensure that mooring parties meet industry's competence standards and have access to appropriate training?	NA	

11.1 COMMENTS

11.1, 11.2 and 11.5 The IOW Council administers a scheme for licensing of passenger vessels carrying 12 or fewer passengers and their skippers for the whole of the Isle of Wight, including Newport Harbour. Inspections are now carried out by qualified marine surveyors.

Newport Harbour is planning on introducing an additional Water Taxi Permit and Hire Boat Permit scheme. The proposed scheme is currently being piloted by Folly Ventures; the draft scheme is in MSMS Version 1.2.

11.4 It appears that the Newport Harbour workboat does not hold any form of official certification.

11.6 Recently yachts and commercial vessels have been observed taking bunkers from road tankers on the main harbour quay and on Black House Quay.

It is recommended that a bunkering procedure is developed and a permit system is introduced.

11.9 The Newport Harbour moorings are regularly maintained by the harbour staff and paper maintenance records are kept.

The major project to replace the Folly piles and pontoon moorings has been completed successfully and now provides high standard yacht mooring facilities.

12 PROFESSIONAL QUALIFICATIONS AND COMPETENCIES FOR PORT MARINE PERSONNEL

Harbour authorities must assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation.

Authorities must ensure their staff meet the nationally agreed standards of competence, or alternatively be able to show that their local competency standards are fully equivalent.

Achieving marine port safety is a team operation and people in these roles must be competent and adequately trained.

12	GtGP	PMSC		Y/N	Comment
.1	12.4, 12.5	1.16, 2.18	Does the Senior Harbour Master hold an appropriate qualification?	Y	BMF Marina Administration. Undertaking the Lloyds' Harbour Master's Diploma. See below.
.2	12.5	1.16, 2.18	Do the Deputy and/or Assistant Harbour Masters hold appropriate qualifications?	N	The Newport Harbour Master has no formal qualifications.
.3	12.7	1.16, 2.18	Do VTS officers hold appropriate qualifications?	NA	
.4	12.8	1.16, 2.18	Does the harbour authority ensure that marine operatives are suitably trained, assessed and competent to carry out their assigned roles?	Y	Matrix in the MSMS Version 1.2.
.5	12.9	1.16, 2.18	Does the harbour authority exercise control over the training and competence of tugs crews?	NA	
.6	12.10	1.16, 2.18	Does the harbour authority, directly or indirectly, employ suitably qualified hydrographic surveyors?	Y	Shoreline Surveys Ltd.
.7	12.11	2.18	Does the organisation have a training policy and maintain training records?	Y	

12.1 COMMENTS

12.1 The Senior Harbour Master continues to work somewhat in isolation and with minimal contact with other members of the industry. This has recently been exacerbated by members of the harbour staff being off work for prolonged periods.

Although he is taking the Lloyds' Harbour Masters' Diploma, it is recommended that he:

- Regularly attends the Solent and Southern Harbour Masters Association meetings;
- Pays a liaison visit to a similar harbour (Langstone would be ideal – The Designated Person can arrange); and
- Attends at least one UKHMA seminar a year (London).

13 ACCIDENT REPORTING & INVESTIGATION AND ENFORCEMENT

The duties of a harbour authority include an obligation to conserve and facilitate the safe use of the harbour and a duty of care against loss caused by the authority's negligence. Such losses may involve death, serious injury, pollution and other undesirable outcomes and they may involve breaches of national or local laws.

Investigations by the harbour master of marine incidents have two essential purposes:

- To determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- To determine if an offence has been committed: if so, there may be the need on the part of a harbour authority to initiate enforcement action that may lead to prosecution in their own right or through an agency of another authority such as the Police or the MCA.

It is, therefore, essential that the marine SMS addresses the potential for incidents to occur and to provide instruction and guidance on any investigations and enforcement action that may be required as a result. By ensuring that a robust, rigorous, independent investigation has been carried out, the board and the duty holder can be assured that their obligations for compliance have been addressed.

13	GtGP	PMSC		Y/N	Detail/Comment
.1	13.8	2.20	Does the SMS include procedures for accident/incident investigation? Recent example?	Y N	No incident has been reported recently.
.2	13.4.2	2.23	Does the harbour authority follow a set procedure for informing the MAIB?	Y	In MSMS Version 1.2.
.3	13.3.6-10	2.21	Does the process separate offences for investigation by other agencies? (Police/MCA/EA etc.)?	Y/N	
.4	13.11.6	2.20	Does the investigation process inform the risk assessment for review purposes?	Y	In MSMS Version 1.2. Not been used.
.5	13.9	2.11	Does the promulgation of the findings of an investigation include the possibility of passing on findings to harbour authority employees, stakeholders or other organisations, e.g. Ports Group, Harbour Masters' body?	N	See 12.1.

13	GtGP	PMSC		Y/N	Detail/Comment
.6	12.8.4	2.20- 2.21	Does the investigation process link with the enforcement process?	Y	
.7	13.2.2		Does the Harbour Authority understand their powers in relation to drink and drugs afloat?	Y	

13.1 COMMENTS

Nil.