

# Public Document Pack



Monitoring Officer  
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## Agenda

Name of meeting **HARBOUR COMMITTEE**  
Date **WEDNESDAY 16 DECEMBER 2020**  
Time **2.00 PM**  
Venue **VIRTUAL (MS TEAMS)**  
Members of the committee  
Cllrs I Ward (Chairman), S Hastings, J Jones-Evans,  
G Perks, M Price, S Smart and B Tyndall

Jonathan Brand, Alex Minns, Sean Newton and Joseph Rennie

Democratic Services Officer: Marie Bartlett  
democratic.services@iow.gov.uk

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1. **Minutes** (Pages 5 - 8)

To confirm as a true record the Minutes of the meeting held on 30 September 2020.

2. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.



To observe the meeting as a member of the public/press please use the link provided . This link will be made available 24 hours prior to start of the meeting. Please ensure you access the meeting in good time. Guidance on how to access the public meeting can be found [HERE](#). Committee members and pre-arranged attendees will be contacted by Democratic Services to supply the appropriate link to participate in the meeting.

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3. **Public Question Time - 15 Minutes Maximum**

Questions must be delivered in writing, or by electronic mail, to Democratic Services at [democratic.services@iow.gov.uk](mailto:democratic.services@iow.gov.uk) no later than 2 pm on 14 December 2020. Each question must give the name and address of the questioner.

4. **Finance Reports** (Pages 9 - 14)

To receive the finance reports for Newport, Ryde and Ventnor Harbours.

5. **Report of Senior Harbour Master**

(a) Get Well Plan (Pages 15 - 16)

(b) Senior Harbour Master Report (Pages 17 - 24)

6. **Harbour Revision Order**

To receive an oral update from the Assistant Director of Neighbourhoods.

7. **Port Marine Safety Code Audit** (Pages 25 - 60)

To receive the Newport Harbour Port Marine Safety Code Audit.

8. **Port Marine Safety Code** (Pages 61 - 62)

To receive the Compliance Statement for Maritime Coastguard Agency.

9. **Newport Harbour Masterplan**

To receive a verbal update from the Director of Regeneration.

10. **Members' Question Time**

A question must be submitted in writing or by electronic mail to Democratic Services no later than 2 pm on 14 December 2020.

CHRISTOPHER POTTER  
Monitoring Officer  
Tuesday, 8 December 2020

## Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## Minutes

Name of meeting	<b>HARBOUR COMMITTEE</b>
Date and Time	<b>WEDNESDAY 30 SEPTEMBER 2020 COMMENCING AT 2.00 PM</b>
Venue	<b>VIRTUAL (MS TEAMS)</b>
Present	Cllrs I Ward (Chairman), S Hastings, J Jones-Evans, G Perks, M Price, S Smart and B Tyndall
Officers Present	M Bartlett, J Brand, A Minns, S Newton, J Rennie

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### 10. **Minutes**

#### RESOLVED:

THAT the minutes of the meeting held on 24 June 2020 be confirmed.

### 11. **Declarations of Interest**

Councillor Julie Jones-Evans declared an interest as she was Local Member for part of Newport Harbour.

Councillor Graham Perks declared an interest as he was Local Member for Ventnor Harbour.

### 12. **Public Question Time - 15 Minutes Maximum**

No public questions were received.

### 13. **Finance Report**

The Assistant Director for Neighbourhoods advised that information regarding the finances for Ventnor and Ryde harbour would be included in future reports to the committee. There had been a significant overspend forecast, this was due to the lack of income during the pandemic. There may be an overspend relating to legal costs of the Harbour Revision Order.

#### RESOLVED:

THAT the finances be noted.

## 14. **Reports of Senior Harbour Master**

### 14.1 **Get Well Plan**

The Senior Harbour Master advised that the get well plan was progressing, the decision regarding the Harbour Revision Order was pending and the get well plan would move forward once this had been agreed.

#### RESOLVED:

THAT the get well plan be noted

### 14.2 **Senior Harbour Master Report June to August 2020**

The Senior Harbour Master informed the Committee that covid-19 restrictions had been implemented and harbour staff had returned on 24 July 2020 covering shifts either side of the tide. Card payments were now being taken. The committee questioned the use of some of the equipment used by the harbour staff and were advised that these were necessary.

The Committee was informed that Ventnor Harbour was regularly checked and was believed to be operating well. Ryde harbour visitor numbers were lower than last year and ongoing maintenance was undertaken.

The Assistant Director for Neighbourhoods advised of the proposal for Ryde harbour by Ryde Town Council was being considered and further dialog may be required. There had been some discussion with Ventnor Town Council regarding Ventnor harbour.

#### RESOLVED:

THAT the Senior Harbour Master report be noted.

## 15. **Harbour Revision Order**

The Assistant Director for Neighbourhoods provided the committee with a brief update on the Harbour Revision Order, the request had been submitted approximately two years previous and a number of minor amendments had been responded to, officers were hopeful that a decision was due soon. Members asked if a partial agreement could be sought to move this along quicker and were advised that it could delay things further.

#### RESOLVED:

THAT the Harbour Revision Order update be noted.

16. **Members' Question Time**

Councillor Ian Ward asked if there was an update on the Newport Harbour regeneration plan and was advised that a briefing could be provided at the next Harbour Committee meeting in December 2020.

CHAIRMAN

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# Agenda Item 4

## Newport Harbour - Financial Statement as at 31.10.2020

Expenditure	2019/20 FY	20/21 Budget	YTD To Oct 20 (actual)	Forecast 2020/21	Forecast Under/ Overspend 2020/21
Employees	86,347	86,749	48,001	82,288	4,461
Premises	45,938	35,275	15,152	35,368	-93
Transport	2,757	3,399	44	1,995	1,404
Supplies and services	16,324	6,001	569	22,305	-16,304
Contracted services	62,432	46,238	13,950	46,238	0
Other	-1,519	0	7	-1,519	1,519
<b>Total</b>	<b>212,278</b>	<b>177,662</b>	<b>77,722</b>	<b>186,674</b>	<b>-9,012</b>

Apr 20-Jun 20 (actual)	Jul 20-Aug 20 (actual)	Sep 20-Oct 20 (actual)
19,835	13,498	14,668
7,068	4,851	3,233
32	12	0
500	0	69
3,118	3,990	6,843
0	6	1
<b>30,553</b>	<b>22,357</b>	<b>24,813</b>

Income	2019/20 FY	20/21 Budget	YTD To Oct 20 (actual)	Forecast Outturn 2020/21	Forecast Under/ Overspend 2020/21
Leases	-80,480	-62,721	-60,942	-79,428	16,707
Parking	-1,811	-4,221	-274	-274	-3,947
Cranes/fork lifts	-818	0	0	0	0
Berthing fees	-83,237	-57,928	-32,680	-35,075	-22,853
Other income	-9,117	-10,309	-1,063	-1,063	-9,246
Folly	-53,395	-107,930	-65,720	-66,443	-41,487
<b>Total</b>	<b>-228,858</b>	<b>-243,109</b>	<b>-160,679</b>	<b>-182,284</b>	<b>-60,825</b>

Apr 20-Jun 20 (actual)	Jul 20-Aug 20 (actual)	Sep 20-Oct 20 (actual)
-49,591	-2,233	-9,119
0	-242	-32
0	0	0
-49,643	20,696	-3,733
-468	-253	-342
-19,983	-36,348	-9,389
<b>-119,685</b>	<b>-18,381</b>	<b>-22,614</b>

Net position	2019/20 FY	20/21 Budget	YTD To Oct 20 (actual)	Forecast 2020/21	Forecast Under/ Overspend 2020/21
	-16,580	-65,447	-82,957	4,390	-69,837

Apr 20-Jun 20 (actual)	Jul 20-Aug 20 (actual)	Sep 20-Oct 20 (actual)
-89,132	3,976	2,199

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**Ryde Harbour - Financial Statement as at 31.10.2020**

Expenditure		2019/20 FY	20/21 Budget	YTD To Oct 20 (actual)	Forecast 2020/21	Forecast Under/ Overspend 2020/21
Employees		36,848	36,707	18,679	32,994	3,714
Premises		9,343	8,579	5,659	8,898	-319
Transport		1,024	708	314	1,024	-316
Supplies and services		5,348	3,921	459	3,225	696
Contracted services		18,027	10,000	5,625	18,027	-8,027
Other		111	0	0	111	-111
<b>Total</b>		<b>70,701</b>	<b>59,915</b>	<b>30,735</b>	<b>64,278</b>	<b>-4,363</b>

Apr 20-Jun 20 (actual)	Jul 20-Aug 20 (actual)	Sep 20-Oct 20 (actual)
7,490	4,498	6,692
3,874	1,156	629
314	0	0
359	0	100
1,565	3,505	555
0	0	0
<b>13,601</b>	<b>9,159</b>	<b>7,976</b>

Income		2019/20 FY	20/21 Budget	YTD To Oct 20 (actual)	Forecast Outturn 2020/21	Forecast Under/ Overspend 2020/21
Moorings		-56,335	-62,637	-24,283	-35,780	-26,857
Other income		-2,536	-2,047	-897	-897	-1,150
<b>Total</b>		<b>-58,872</b>	<b>-64,684</b>	<b>-25,180</b>	<b>-36,677</b>	<b>-28,007</b>

Apr 20-Jun 20 (actual)	Jul 20-Aug 20 (actual)	Sep 20-Oct 20 (actual)
-5,707	-8,003	-10,574
-306	0	-591
0	0	0
0	0	0
0	0	0
0	0	0
<b>-6,013</b>	<b>-8,003</b>	<b>-11,164</b>

<b>Net position</b>		<b>11,829</b>	<b>-4,769</b>	<b>5,556</b>	<b>27,602</b>	<b>-32,371</b>
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<b>7,588</b>	<b>1,156</b>	<b>-3,189</b>
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**Ventnor Harbour - Financial Statement as at 31.10.2020**

Expenditure	2019/20 FY	20/21 Budget	YTD To Oct 20 (actual)	Forecast 2020/21	Forecast Under/ Overspend 2020/21
Employees	1,988	1,416	1,192	2,043	-627
Premises	194	194	222	222	-28
Transport	-1	0	-1	0	0
Supplies and services	982	1,255	0	1,270	-15
Contracted services	69,113	73,189	240	88,420	-15,231
Other	0	0	0	0	0
<b>Total</b>	<b>72,275</b>	<b>76,054</b>	<b>1,653</b>	<b>91,955</b>	<b>-15,901</b>

Apr 20-Jun 20 (actual)	Jul 20-Aug 20 (actual)	Sep 20-Oct 20 (actual)
497	331	364
222	0	0
-1	0	0
0	0	0
-2	0	242
0	0	0
<b>716</b>	<b>331</b>	<b>606</b>

Income	2019/20 FY	20/21 Budget	YTD To Oct 20 (actual)	Forecast Outturn 2020/21	Forecast Under/ Overspend 2020/21
Moorings	-5,256	-6,024	-3,356	-5,000	-1,024
Leasing income	-12,000	-12,000	-12,000	-12,000	0
<b>Total</b>	<b>-17,256</b>	<b>-18,024</b>	<b>-15,356</b>	<b>-17,000</b>	<b>-1,024</b>

Apr 20-Jun 20 (actual)	Jul 20-Aug 20 (actual)	Sep 20-Oct 20 (actual)
-1,056	0	-2,300
0	-12,000	0
<b>-1,056</b>	<b>-12,000</b>	<b>-2,300</b>

<b>Net position</b>	<b>55,019</b>	<b>58,030</b>	<b>-13,703</b>	<b>74,956</b>	<b>-16,926</b>
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<b>-340</b>	<b>-11,669</b>	<b>-1,694</b>
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Newport Harbour 'Get Well Plan' - Version 1.9; 05.11.2020						Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21		
No.	Action	Sub action	By Who	By When	Comments																										
		Green - complete Yellow - Planned completion date																													
6	HRO	Await MMO decision	MMO	TBC	Regular meetings held with MMO to discuss any issues and progress																										
7	General Directions	Review draft General directions after HRO decision	JB/LE	TBC	Awaiting MMO decision on HRO																										
		Informal consultation to include Harbour user group	JB	TBC	Drafts prepared but this can only follow after the new HRO is approved																										
		Submit to the MMO (2021)	JB	TBC																											
		Formal consultation (2021)	JB	TBC																											
8	Emergency preparedness	Set date for Oil Spill Contingency Plan exercise plan	JB	TBC	In consultation with CHC																										
		Undertake Oil Spill Contingency exercise (combine with emergency training exercise)	JB	TBC	In consultation with CHC; to be rescheduled due to Covid-19																										
		Emergency Plan to be reviewed	JB	Aug-20	Complete																										
		Emergency Plan to be re-issued/placed on website	JB	May-20	Complete																										
		Set dates to Conduct emergency training exercises (combine with oil spill exercise)	JB	TBC	To coincide with oil spill contingency exercise - postponed as a result of four week Covid lockdown																										
18	Review of harbour staff, operating times and roles	Staff structure to be reviewed to enable staffing the harbour either side of high water	JB/LE	Mar-21	Harbour staffed 2 hours either side of high water; structure to be reviewed and new structure to be implemented pre-Easter 2021																										
Additional items from PMSC audit, November 2020																															
No.	Action	Sub action	By Who	By When	Comments																										
A	Navigational risk assessment	It is recommended that the NRA is reviewed at least once a year or as a follow-up of any incident investigation.	JB	Dec-20	Original assessmnet produced Oct 2109																										
B	MV Blade runner	It is recommended that a letter is sent to Williams Shipping, the operator of MV Blade Runner, reiterating the additional procedures that are required for the operation of Blade Runner in the Newport SHA area and the additional procedures are promulgate formally as a Notice to Mariners	JB	Jan-21	It was noted during the audit that the wind turbine blades being transported by MV Blade Runner are considerably longer those being transported when the NRA was conducted in 2019; it recommended that the hazards in the NRA that could involve Blade Runner are reviewed																										
C	Commercial berth opertaors	It is recommended that the commercial berth operators' procedures for the mooring of commercial vessels are reviewed ensuring mooring gangs are trained correctly and that self-mooring is prohibited.	JB	Feb-21	See MAIB Report 9/2020 and Port Skills and Safety - Spotlight on Self Mooring Fatalities.																										

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<b>Visitor Numbers</b>	September: 213	October: 43	November: 4
<b>Folly visitor numbers</b>	September: 308	October: 112	November: <b>Awaiting Nos</b>
<b>Permanent berths</b>	Newport Harbour	Regular users: 9	Live-aboard: 4
<b>Folly Paid</b>	Folly: 130	Pontoon: 75	Swing: 55
<b>Folly to pay</b>	Folly: 19	Pontoon: 4	Swing: 15

### Level of Risk

During this quarter the main risk has been to operate the harbour within the current Covid-19 restrictions and guidelines; this has been balanced with the requirement to keep the harbour staff and users safe.

### Staff

- Harbour was informed that the partner of one of the Folly Ventures (FV) staff partners had tested positive for Covid 19, on the 13.10.20. All FV staff were tested, all negative. The member of staff whose partner was tested positive, self-isolated for 2 weeks as in line with Government guidelines.
- A member of Newport harbour staff injured their wrist when shutting the skip on the 03.10.20, still in a support at the end of November
- One of the Harbour staff house members had a positive test for Covid 19, on the 12.11.2020. The member of harbour staff self-isolated for 2 weeks (12-26.11.2020) in line with Government guidelines. Council Health & Safety team informed (13.11.20). Cover for his shift organised.

### September

- Newport harbour had one member of staff member working +/- 2 hours either side of High Water between 08.00 – 18.00 and seven day a week cover was provided
- Folly staff - during September their hours were 10.00 - 21.00 Monday to Friday, Sat 09.00-23.00 Hours and Sun 10.00-18.00 hours

### November and October

- Newport Harbour had one member of staff working +/- 3 hours either side of High Water between 08.00 – 17.00 (hour off for lunch) and will provide cover seven day a week
- Folly staff - their hours were 10.00 - 16.00 5 days Monday to Friday, Sat 10.00-18.00 Hours Sun 11.00-15.00 hours

### Works

- There were 4 cases of fly tipping around the harbour site or into the skip; this was collected by harbour staff and placed in the skip
- Litter picked the harbour site and foreshore 6 times
- On the 15.11.20 the drains and gullies cleared/unblocked by harbour staff following Heavy rain.

### Events

- With the schools back, there have been problems with students, on the pontoons and quay
- The Harbours Designated person conducted his Port Marine Safety Code Audit on the 14.10.2020
- Odessa boat yard conducted their lift out day on the 19.10.20.
- The Hillside barrier was opened at Island Roads request on the morning of 23.11.20 to morning of 26.11.20. this was to allow access when the road works were carried out.

## **Land and Property**

- The railings to the southern entrance to the harbour had 3 of the posts broken, they were made safe by harbour staff (cut off at ground level and the unsupported rail removed). Additional faults were noted the double bin was unattached, the life ring post was rotten. These were reported to property services. All of the above was repaired on 22.10.2020.
- The electricity cupboard in the harbour stores was repaired on 20.10.2020.
- Graffiti was noticed on the rear wall of the old Classic boat Museum building, racist in content. It is visible from footpath, requested advice from property services on the 09.11.2020
- A tent visible on the opposite bank to the hotel between the river and the footpath was noted on the 09.11.2020. On the 22.11.2020 it appears that additional tent has arrived. On the 27.11.2020 a campfire was witnessed. All has been reported to Parks & Countryside.
- On the 16.11.2020, a section of the Premier Inn's fence fell down and was across the alley way, moved as to not block the walkway, attempted to report to hotel but was not possible. It was reported on 18.11.2020, they confirmed their maintenance team had been informed. Not fixed as at 30.11.2020.
- On the 19.11.2020, Clancy Docwra carried out work on Southern Water's main water main along the cemetery wall, returned to make good with additional topsoil and grass seed on the 23.11.2020.

## **INSPECTION RESULTS**

### **Inspections of Navigation Aids**

Periodic inspections have been carried out of the channel and navigation aids, some of which were conducted from land. All navigation aids are in place, their colour, and characteristics are as required by IALA recommendations. The inspections were undertaken 44 times in the three-month period. Most of these were made from land.

- On the 07-09.09.2020 at River Medina, Newport, (P1152) were inspected as part of their annual inspections by an Officer of Trinity House and were found to be in good and efficient order, except for 2 navigational lights not showing correctly. These problems are being rectified. See attached report.
- A navigation light at Vestas was not lit, a request has been made for this to be rectified.

### **Inspections of the channel**

Periodic visual inspections have been carried out of the channel most have been carried out from the land. The depth within the channel has not been reported below the depths advertised. These inspections were carried out 44 times in the three-month period.

### **Inspections of quays, steps, pontoons, gangway, piles and cleats**

Periodic inspections have been carried out and found to be in position and in good order. The inspections were carried out 44 times in the three-month period.

- Traffic cone and a bike removed from the harbour's visitor berth in the 3 months
- The visitor's pontoon had 4 boards and 2 metres section of stinger replaced, along with numerous screws where old one were loose or missing. The joints between the pontoons, 4 of which were tightened with 7 additional bolts being fitted
- On the 10.11.11.2020 the Newport harbour visitor's pontoon was power washed by harbour staff

### **Inspections of lights, electric distribution points and water standpipes**

Periodic inspections have been carried out on the lights, electric point and water standpipes. The inspections were carried out 44 times in the three-month period.

- The first electricity box on Newport visitor pontoon trips out the visitor power supply on the 24.09.2020. It was isolated and the power reset for rest of visitor pontoon. The first box was reset on the 28.09.2020 and it held. It failed again on the 05.10.2020, the sockets were isolated, and light held.
- Monthly Water monitoring inspection was conducted on the 23.09.2020, 07.10.2020 and the 09.11.2020

### **Inspections of lifebelts, fire extinguishers**

Inspections were carried out, all lifebelts, fire extinguishers and safety ladders were found to be in position and in good order. These inspections were carried out 44 times in the three-month period.

- On the 24.11.2020, the life ring from town quay was missing, retrieved from sea street carpark, inspected and returned to station

### **Slipways Inspection**

The slipways have been inspected and are in good repair this includes minoring the weed build up.

- The Folly slipway was cleaned on the 20.09.2020 by harbour staff
- The tide gage opposite the harbour office was cleaned on the 10.10.2020
- On the 16.10.2020 a boat was found to be dried out on the slipway between harbour north and south. The owner was warned regarding coming of springs and the reducing tidal range and the step at the end of the slipway. Only there to carry out quick repairs.
- Folly slipway maker pole striated on the 30.11.2020
- The Seaclose slipway was scrubbed on the 30.11.2020

### **Harbour Launch, vehicle and other tools**

#### **Launch**

- It has been pumped out 29 times over the 3 months.
- It was reported that the launch was not operational in September, it was inspected by marine mechanic in October and found to be working and started without issue, following this it was serviced as it was due. Following this it was started and run 6 times, working fine.
- On the 27.11.2020 the cockpit washed down, and the drain cleared.

#### **Ford Ranger**

- No issues

#### **Other Tools**

- The hand crane and both sets of straps where tested / inspected on the 29.09.2020
- The hand crane was used on the 01.10.2020 and the 03.11.2020 to lift a yacht, suspected to be abandoned that has been on the visitor pontoon for some time. It's now stored in Harbour north carpark, it will be included in the abandoned vessels list, if not claimed by owner.
- The hand crane was used on the to lift a vessel on to a trailer, the vessel stored within Classic boat shed.

### **INCIDENT AND EMERGENCIES**

#### **Collisions, Fire or Explosion, Vessels Grounding, Loss of Vessel Stability, Pollution**

- a 11-metre steel hull vessel moored at the Folly has sank numerous times in the 3 months. The harbour has requested for the owner to arrange her removal from the harbour's jurisdiction. Folly ventures arranged action over the period regarding re-floating and make safe and her finale lifting and removal, this took place 16.11.2020. The majority of this was at the owner cost, the outstanding amount was paid by the harbour and a payment plan has been agreed with the owner.

#### **Dangerous Occurrences / Near Misses.**

- On the night of the 12.09.2020, mooring lines let go by after midnight, believed by "youths" owner on board.

#### **Reportable Accidents**

- A berth holder from Cowes Harbour suffered a stroke. on the 22.09.2020. see attached report.

## **Defects Affecting Marine Safety**

None to report

### **ADDITIONAL INFORMATION**

- Skip Sprayed painted overnight of the 05.09.2020, reported to Police
- Reports of campervan parked up at Black House Quay during the weekend of the 26/27.09.2020, checks were made the follow weekend evenings, it had not returned.
- A suspected abandoned that has been on the visitor pontoon for some time, was lifted (01.10.2020) and stored in Harbour north carpark, it will be included in the abandoned vessels list, if not claimed by owner.
- Richardson's called on the 03.10.2020 to inform the harbour that they were testing a hovercraft in the river.
- The on the 05.11.2020, youths on the roof of the harbour store (air raid shelter)

### **WHITEGATES PIER**

- Berth holder reported problems and damaged to boards at white gates pier on the 17.09.2020. The broken board on the pontoon where fixed on the 22.09.2020.
- Cowes Harbour Commission notices are still being placed on the vessels the public landing, the number of unauthorised vessels within the IWC area has not increased.
- New signs confirming Cowes Harbour Commission and the Council's roles and obligation have been put up on the 23.11.2020

**Jonathan Brand,  
Senior Harbour Master**

**Location:** Cowes Folly Visitors Pontoon  
**Incident:** Crew of the vessel Pentangle II - Suspected Stroke  
**Date:** Tuesday 22 September  
**Coxswain/ Taxi Operator:** [REDACTED]

At approximately 15.05, whilst collecting Moorings Fees, I was called over to the Vessel Pentangle II on the Cowes Folly Visitors pontoon. One of the crew on the vessel Pentangle II informed me that one of the crew on board was unwell and they had called 111.

I dropped my passengers off at the Folly Inn 'Walk Ashore' pontoon and returned to the Vessel Pentangle II. It appeared that, from the reported symptoms, the Casualty had suffered a mild stroke. I was told by the crew that they had called 111 who had suggested, unless the symptoms continued, that the casualty should sit down, rest and have something to eat. I suggested, as a precaution that we move the vessel Pentangle II to the Folly 'Walk Ashore' pontoon as it would be more convenient with better access for the paramedics should it be necessary to call for an ambulance, whilst the condition of the casualty had improved I was not happy so I called 999 at 16.01 but again was told the casualty should sit down and rest and they would call back in a couple of hours.

Not satisfied with this I arranged for my partner to take the casualty and his sailing companion to St. Mary's A&E by car.

The Ambulance Service did call back eventually and said they would like to see the casualty but did not have an ambulance available however they would send a Road Taxi. I informed the Ambulance Service that it would not be necessary as my partner and the casualty along with the crew member had just arrived at St Mary's A&E.

I understand the Casualty was kept in St Mary's overnight.



TRINITY HOUSE

Navigation Directorate  
Trinity House  
Tower Hill  
London  
EC3N 4DH

**Please Quote P1152, P1174 in all correspondence.**

CC for Information  
Senior Harbour Master  
Isle of Wight Council  
Directorate of Place  
Floor 2, Isle of Wight Council  
High Street, Newport  
Isle of Wight  
PO30 1UD

16/09/2020

Dear Sir / Madam,

**Inspection of Local Aids to Navigation, Merchant Shipping Act, 1995, Section 198(1)**

We wish to advise you that the local aids to navigation under the management of Isle of Wight Council at River Medina, Newport, Ryde were inspected on 09/09/2020, 07/09/2020 by an Officer of Trinity House and were found to be in good and efficient order, except for the following:

Place	AtoN No	Aid To Navigation	Aid Type	Defect
P1152	N15593	Folly Pier South End East Bank	Lighted Beacon	Light Character Incorrect – Obscured by the floodlight from North
P1152	N02628	Cement Works Wharf Southern End	Lighted Beacon	Lower Light Extinguished
P1174	N11905	No.5	Unlighted Buoy	Missing From Station
P1174	N11906	No.6	Unlighted Buoy	Missing From Station

We would be grateful if you would arrange for the aforementioned to be rectified as soon as possible.

After rectification please ensure that this office is notified. If there are any problems with rectifying any of the above, please let us know.

Yours faithfully,



Adrienne Thomas | Local AtoN Officer | Trinity House  
Direct Dial: 0207 481 6925 | Email: [seamarks@trinityhouse.co.uk](mailto:seamarks@trinityhouse.co.uk)

CC : Sean Newton - Commercial Services Manager



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ISLE OF WIGHT COUNCIL

## NEWPORT HARBOUR PORT MARINE SAFETY CODE AUDIT - 14 OCTOBER 2020



Report Number: 19UK1543  
Issue: 01  
Date: 28 October 2020



International Harbour  
Masters Association



## ISLE OF WIGHT COUNCIL

# NEWPORT HARBOUR PORT MARINE SAFETY CODE AUDIT - 14 OCTOBER 2020

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

Author(s): David Foster

Checked By: William Heaps and Shirley Barnet

Date	Release	Prepared	Authorised	Notes
22 Oct 20	Draft A	DF	WH/SB	For client comment.
28 Oct 20	01	DF	WH/SB	Final.

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United Kingdom

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28 October 2020

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## EXECUTIVE SUMMARY

On 1 April 2019 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 Foster on 14 October 2020.

The audit only covered Newport Harbour and did not include Ryde or Ventnor Harbours.

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

- Apart from those items requiring the Harbour Revision Order, all issues listed in the Get-Well Plan have been addressed apart from:
  - Staffing issues (See 2.3 and 2.6); and
  - Exercising the Pollution and Harbour Emergency plans (In hand see 6.4).
- The harbour appears in good order, most of the derelict vessels have been removed and IOWC jetties are clean and tidy;
- The Harbour Revision Order is in the final stages of the Marine Management Organisation’s consent process and is expected to be approved Q4/20;
- The Harbours Sub Committee (Duty Holder) meets four times a year, they are well briefed by the council officers and Harbour Master and are fully engaged with the management of the harbour;
- The appointment of a replacement Newport Harbour Master and the provision of staff coverage over the high water periods , when visitors arrive and leave Newport Harbour, are still not resolved. A staffing review has been conducted and it is anticipated that the issue will have been resolved by Q2/21;
- The routine meetings of the Newport Harbour Users Group have been disrupted by the Covid restrictions. The next meeting, planned for 18 Nov 20, will be conducted online;
- The Navigation Risk Assessment (NRA) has not been reviewed since it was delivered by consultants. It is recommended that the NRA is reviewed, in particular examining commercial mooring procedures and the future MV Blade Runner operations involving the longer blade cargoes;
- The Marine Safety Management System has been further developed since the previous audit and Edition 1.3 was issued on 17 Jun 20;
- The Newport Emergency Plan has been completely re-written and was issued in Jul 20;

- 
- A combined pollution and Newport Emergency Plan exercise, run by Adler and Allan, is planned for 23 Nov 20;
  - Since the last audit the IOWC has maintained its robust campaign to remove derelict vessels from the harbour (and ashore) with marked success;
  - It is recommended that a letter is sent to Williams Shipping, the operator of MV Blade Runner, reiterating the additional procedures that are required for the operation of Blade Runner in the Newport Statutory Harbour Authority area and the additional procedures are also promulgate formally as a Notice to Mariners; and
  - It is recommended that the commercial berth operators' procedures for the mooring of commercial vessels are reviewed ensuring mooring gangs are trained correctly and that self-mooring is prohibited.

## 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 .....	8
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.....	15
6.1 Comments .....	15
7 Conservancy.....	16
7.1 Comments .....	18
8 Management of Navigation.....	19
8.1 Comments .....	20
9 Pilotage .....	21
9.1 Comments .....	23
10 Ship Towage Operations.....	24
10.1 Comments .....	25
11 Marine Services .....	26
11.1 Comments .....	28
12 Professional Qualifications and Competencies for Port marine Personnel .....	29
12.1 Comments .....	29
13 Accident Reporting & Investigation and Enforcement.....	30
13.1 Comments .....	31

## INTRODUCTION

On 1 April 2019 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 Foster on 14 October 2020 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).

The audit only covered Newport Harbour and did not include Ryde or Ventnor Harbours.

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
PMSC Audit 2018	16 Oct 18	14UK1025-01 dated 5 Nov 18
PMSC Audit 2019	8 Oct 19	14UK1543-02 dated 7 Nov 19

The following audit programme was arranged by the Harbour Master:

**Table 2: Programme 14 October 2020**

Time	Location	Present	Comments
0900- 1115	Harbour and River	J Brand (IOWC) D Foster (Marico)	Walk round Newport Harbour plus a river trip to the Folly Moorings and back.
1145 - 1530	East Cowes	J Brand (IOWC) D Foster (Marico)	Office Based Audit.

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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	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.
1.2	1.3-1.4	3.11	Are the statutory duties and powers of the harbour effective for purpose?	N	See below.
1.3	1.6.1	3.11	Are the harbour limits of jurisdiction appropriate to the current activity of the port?	Y	See below.
1.4	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	
1.5	1.6.2	4.2	Is the Harbour Master familiar with and does he understand the extent of his legal powers?	Y	The Harbour Master is fully aware of his current limited powers and is preparing for the HRO. See below.
1.6	1.9.7	4.3 -4.4	Does the harbour have Byelaws?	Y	Dated 1925 and 1991. See below.
1.7	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	The current legislation is not deemed to be fit for purpose.
1.8	1.8	4.6-4.7	Does the harbour authority have powers of Special Directions?	Y	From the Harbours, Docks and Piers Clauses Act 1847.
1.9	1.9	4.8-4.9	Does the harbour authority have powers of General Direction / Harbour Directions?	N	See below.
1.10	1.9.4	3.13	Are there grounds for applying for a Harbour Revision Order?	Y	See below.
1.11	1.9.11		Does the harbour authority issue licences (e.g. port craft, local watermen or works etc.)?	N	Permits only.
1.12	1.9.12	2.25	Is a clear enforcement policy in existence, clearly promulgated and adequately resourced?	Y	MSMS 1.3 para 4.2.

---

## 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 IOWC has applied for a Harbour Revision Order that includes an application for the powers of General Direction.

After a prolonged period of consultation and resolving objections the final draft of the HRO is now with the Marine Management Organisation (MMO) for approval that is expected in Q4/20.

**1.3** The IOWC also manages Ryde and Ventnor Harbours; these harbours do not currently have a Designated Person appointed and are not addressed in this PMSC audit. The IOWC are exploring options of passing the management of these harbours to their local councils.

**1.6** The byelaws are of limited 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 is preparing draft “Newport Harbour General Directions” in the expectation that the HRO will be approved and the IOWC is 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
2.1	2.1.1	1.6-1.8	Is the duty holder defined and published?	Y	Newport Harbour Committee. MSMS 1.3 para 1.4. See below.
2.2	2.2	1.1	Has the organisation published a commitment to comply with standards laid down in the Code?	Y	MSMS 1.3. See below.
2.3	2.2.5	1.1 1.13- 1.17	Are the executive and operational duties stated and assigned?	Y	See below.
2.4	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	Duty holder training was given 22 Aug 18. Refresher and new member training is being planned for Q4/20.
2.5	2.2.22, 2.2.23	1.2	Do new Duty Holders receive PMSC training as part of their induction?	Y	See above.
2.6	2.2.20	1.9, 1.14- 1.15	Has a Harbour Master been appointed?	Y	See below.
2.7	2.1.1, 2.2.21 2.2.25- 38	1.11- 1.12	Has a designated person (DP) been appointed?	Y	Mr D M Foster. Newport Harbour only. See below.
2.8	2.1.21 2.2.26	1.11	Does the DP have sufficient independence?	Y	
2.9	2.2.25	1.11	Does the DP have direct access to the Duty Holder?	Y	
2.10	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	Plus attends occasional Harbour Committee Meetings.
2.11		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	Reported non-compliance. MCA Health Check 21 Oct 19.

## 2.1 COMMENTS

**2.1 and 2.2** The Harbours Sub Committee meets four times a year, they are well briefed by the council officers and Harbour Master and are fully engaged with the management of the harbour.

**2.3 and 2.6** The appointment of a replacement Newport Harbour Master and the provision of staff coverage over high water periods<sup>1</sup>, when visitors arrive and leave Newport Harbour, are still not resolved. A staffing review has been conducted and it is anticipated that the issue will have been resolved by Q2/21.

**2.7** Monthly liaison calls between the Harbour Master, Council Officers and the Designated Person were introduced in Q2/20 to improve communication; these appear to be working well.

### **Newport Harbour Get-Well Plan**

Apart from those items requiring the HRO all issues listed in the Get-Well Plan have been addressed apart from:

- Staffing issues (See 2.3 and 2.6 above); and
- Exercising the Pollution and Harbour Emergency plans (In hand ... see section 6).

During the harbour tour and river trip it was noted that the harbour was in particularly good order, most of the derelict vessels have been removed and IOWC jetties were clean and tidy. Although not a PMSC issue it appears that the Harbour Master's office needs substantial refurbishment.

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<sup>1</sup> See Marico report 10UK1543-01 dated 7 Nov 2019 para 2.3 and 2.6

### 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
3.1	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.
3.2	3.2.2, 3.2.3	3.13, 4.9	Does the harbour have any outstanding consultations for statutory procedures (HRO or Byelaw updates)?	N	
3.3	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	Consulted for the HRO. Will be required for the future General Directions.
3.4	3.2.10-11		Has the organisation established stakeholder advisory or consultative committees?	Y	Members listed in the MSMS 1.3 para 1.6
3.5	3.2.12	2.17	Are plans, reports, information and/or advice affected by or affecting harbour users communicated effectively to them?	Y	NHUG standing agenda item.
3.6	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	2018-2020 Dated 24 Sep 18 (requires review and updating). Published on the IOWC website.

3	GtGP	PMSC		Y/N	Comment
<b>3.7</b>	3.1.4, 5.1.6	2.17	Does a communication channel exist with employees / contractors affected by the MSMS?	Y	During Covid weekly phone call or one-to-one meeting.
<b>3.8</b>	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 twice a year; a full list of the membership is contained in the MSMS. The last planned meeting was postponed due to the Covid restrictions and the next meeting, planned for 18 Nov 20, will be conducted online.

**3.8** The Newport Harbour website is part of the IOWC's overall website. The website has been updated since the previous audit and contains useful information including Notices to Mariners, Covid guidance and tidal information.

## 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
4.1	4.1.1	2.7-2.11	Has a formal navigation risk assessment (NRA) been carried out for the organisation?	Y	Completely updated in Oct 19.
4.2	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	
4.3	4.2.23	2.7, 2.12	Have risk controls been properly applied?	Y	See below.
4.3	4.2.28	2.8	Has the NRA been carried out by suitably qualified people?	Y	Marico Marine.
4.4	4.1.5	2.11	Have stakeholders been consulted on existing or new risk assessments?	Y	Listed in the NRA report.
4.5	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.
4.6	4.3	2.9	Does the NRA process allow for special circumstances (e.g. “Dynamic RA” for an unusual operation or event)?	Y	Proforma in MSMS1.3 annex 18.

4	GtGP	PMSC		Y/N	Comment
4.7	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)?	Y/N	See below.
4.8	4.1.6	2.9	Is the NRA available to those they affect?	Y	On website.
4.9	3.3.		Are other port user risk assessments (e.g. towage and line handling etc.) taken into account?	Y	
4.10	4.3.7	2.7-2.11	Does the NRA output rank hazards by risk score?	Y	
	4.3.7		Is the Duty Holder aware of the top risks?	Y	Part of the Quarterly Harbour Master's report to the Harbours Committee.

#### 4.1 COMMENTS

**4.3** There are currently comparatively few risk control measures listed against each hazard.

The NRA will require a thorough review, including scoring, if/when IOWC gain the powers of General Direction.

**4.5 and 4.7** The NRA has not been reviewed since Oct 19. It is recommended that the NRA is reviewed at least once a year or as a follow-up of any incident investigation.

## 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
5.1	5	2.12	Is there a documented MSMS?	Y	MSMS 1.3 dated 17 Jun 20.
5.2	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	Environmental issues are handled by the IOWC Environmental Department.
	Annex A		National and local legislation;	Y	Basic list in MSMS. Comprehensive list is held by the IOWC Legal Services Department.
	5.1.11		Control of ship movements;	NA	

5	GtGP	PMSC		Y/N	Comment
	5.1.11		Environmental impact;	Y	Environmental issues are handled by the IOWC Environmental Department.
	2.2.9		Prevent acts or omissions that may cause personal injury to employees or others;	Y	Supported by the IOWC Health and Safety Department.
	5.1.9		Roles and responsibilities of key personnel;	Y	
	5.1.11		Marine safety procedures;	Y	SOP Section of the MSMS.
	5.1.12		Incident and near miss recording and analysis;	Y	MSMS 1.3 Annex 5.
	6.1.1		Emergency plans;	Y	Updated and reissued Jul 20.
	12.2.1, 12.11		Qualifications, recruitment and training;	Y	Matrix in MSMS1.3 Annex 13 plus in staff individual files.
<b>5.3</b>	5.1.12	2.14	Does the MSMS contain a procedure for measuring performance including a database to record incidents and near misses?	Y	See below.
<b>5.4</b>	5.1.13	2.14	Does the MSMS include processes for effective (annual) internal audit, review of procedures and external audit?	Y	
<b>5.5</b>	4.2.5	2.10	Does the MSMS review process include risk assessment review and are lessons learnt applied to relevant procedures?	Y	A NRA review is owing See 4.5.
<b>5.6</b>	5		Is the MSMS user friendly?	Y	Good index.

## 5.1 COMMENTS

**5.3** Incidents are reported in the Harbour Master's Monthly Safety and Quarterly reports.

## 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
<b>6.1</b>		2.14,3.9	Does the organisation have emergency plans for:		
	6		Marine operations;	Y	Newport Emergency Plan Jul 20.
	6.4		Pollution (MCA);	Y	See below.
	6.2.5		Explosives (HSE).	NA	
<b>6.2</b>	5	2.14	Are emergency plans included in or referred to in the SMS?	Y	
<b>6.3</b>	6.1.2	3.9	Is the organisation included in larger national or regional plans?	Y	IOWC Emergency plan.
<b>6.4</b>	6.8.13		Does the organisation have a published exercise programme and carried out exercises?	Y	See below.
<b>6.5</b>	6.2 6.3		Does the SMS address the handling of dangerous or polluting cargoes/substances?	NA	

### 6.1 COMMENTS

**6.1** The Newport Emergency Plan has been completely re-written and was issued in Jul 20.

Oil Spill Response - Adler and Allan remain appointed as the secondary responder and the good OPRC liaison between Newport Harbour and Cowes Harbour Commissioners continues.

**6.4** A combined OPRC and Newport Emergency Plan exercise, run by IWC Emergency Planning Team, with involvement from Adler and Allan, is planned for 23 Nov 20.

## 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
7.1	7.1.1	3.6	Does the harbour authority understand its conservancy duties?	Y	
7.2	7.2	3.6-3.7	Does the harbour authority: Carry out regular hydrographic surveys;	Y	Survey policy and programme in MSMS. See below.
	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	
7.3	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 Shoreline Surveys Ltd.

7	GtGP	PMSC		Y/N	Comment
7.4	7.1A, 7.1.1	3.6	Does the Harbour Authority have procedures for ensuring NAABSA berths are safe?	N	See below.
7.5	(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	Trinity House audit in May 20 and inspected Sep 20.
7.6.	7.5.1, 7.5.5	4.21 – 4.24	Is the Harbour Authority the LLA?	Y	
7.7	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	
7.8	7.4.1		Does the Harbour Authority have the statutory powers to dredge in their local legislation?	Y	A dredging campaign is being planned.
7.9	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.
7.10	7.6	4.26	Does the harbour authority have appropriate powers and a defined policy on wreck removal and salvage?	Y	H, D and P Clauses Act 1847 section 56. See below.
7.11	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	By IOWC on a case by case basis.
7.12	7.4	3.8	Does the Harbour Authority exercise its general duties with regard to nature conservation and other related environmental considerations?	Y	

7	GtGP	PMSC		Y/N	Comment
			Are there any nature conservation areas in the vicinity of the SHA?	Y	SSSI on west side of harbour in vicinity of the Folly Moorings.

## 7.1 COMMENTS

**7.2** The whole harbour was surveyed in Apr 19 by Shoreline Surveys Ltd.

Pre and post dredge surveys will be conducted as part of the planned dredging campaign.

**7.4** Currently there are no operational NAABSA berths in Newport Harbour:

- Blackhouse Quay is no longer operational; and
- MV Blade Runner loads over the high water period at the Vestas berth and does not take the ground.

**7.9** IOWC has engaged a consultant to assess dredging options and assist with the consent process.

**7.10** Since the last audit the IOWC has maintained its robust campaign to remove derelict vessels from the harbour (and ashore) with marked success. The harbour is now looking in particularly good order.

## 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
8.1	8.4	2.13	Does the harbour authority maintain any form of traffic monitoring?	N	
8.2	8.4.3, 8.4.9		Has the need for LPS or VTS been formally assessed?	Y	The 2019 NRA did not identify the need for LPS/VTS.
8.3	8.4.12, 8.4.3-17		Is the current level of service (LPS/INS/TOS/NAS) appropriate?	NA	
8.4	8.75	3.3	Does the Harbour Authority have LPS / VTS procedures?	N/NA	
8.5	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 IOWC website (See 3.8) and in Reeds Nautical Almanac etc.
	8.7.21		Does the Harbour Authority provide abort procedures?	N	
8.6	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	Numbers have been added to the navigation channel port hand lateral buoys.
8.7	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	GtGP	PMSC		Y/N	Comment
8.8	9.4.	4.11, 4.12	Has the organisation identified the needs for pilotage through risk assessment?	Y	The 2019 NRA did not identify the need for pilotage. The additional procedures for MV Blade Runner were assessed as being sufficient. See below.
8.9	8.9		Does the harbour authority operate harbour patrols?	Y	Weekly by harbour staff' and recorded in the "Newport Harbour Monthly Safety Report".
8.10	8.10.1-11		Does the harbour authority have to accommodate operations or events outside normal commercial activity?	Y	Occasional regattas etc. Proforma form in MSMS 1.3.
8.11	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.
8.12	8.10.22-26		If applicable is there effective liaison between organisation and marina(s)?	Y	Cowes Harbour Commissioners, Island Harbour and Odessa are members of the Newport HUG.

## 8.1 COMMENTS

**8.8** It is recommended that a letter is sent to Williams Shipping, the operator of MV Blade Runner, reiterating the additional procedures that are required for the operation of Blade Runner in the Newport SHA area and the additional procedures are promulgate formally as a Notice to Mariners.

It was noted during the audit that the wind turbine blades being transported by MV Blade Runner are considerably longer those being transported when the NRA was conducted in 2019; it recommended that the hazards in the NRA that could involve Blade Runner are reviewed with particular care.

## 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
9.1	9	4.11	Does the harbour authority provide pilotage?	N	
9.2	9.4.14-17	4.12	Has the harbour authority issued pilotage directions?	NA	
9.3	9.4.1	4.11	Is the pilotage provision continuously updated through risk assessment?	Y	See 8.8.
9.4	9.3		Is there a suitable Master/Pilot exchange including a Pilotage Passage Plan and are records maintained?	NA	
9.5	9.5	4.15, 4.16	Does the harbour authority issue Pilotage Exemption Certificates (PEC)?	N	

9	GtGP	PMSC	Y/N	Comment
9.6		4.15	Does the harbour authority maintain:	
	9.5.6, 9.5.18		PEC syllabus.	NA
	9.5.16		PEC tripping records.	NA
	9.5.6		PEC qualification and revalidation records.	NA
9.7	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
9.8	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	9.4.45	4.13, 4.16	Are pilots and PEC holders subject to a disciplinary procedure?	NA
9.10	9.4.11		Does the harbour authority sub-contract pilotage?	NA
9.11	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
9.12	9.1.1A	4.11	Are pilotage resources kept under review against requirements?	NA
9.13	9.4.18, 9.4.19	4.14	Are pilot boarding and landing arrangements subject to formal risk assessment and specific operational procedures?	NA
9.14	9.4.20	4.11	Does the LPS/VTS require confirmation that the vessel complies with the pilot boarding arrangements?	NA

## 9.1 COMMENTS

Nil.

## 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
10.1	10		Does the harbour use tugs?	N	
10.2	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	
10.3	10.2		Have towage services been fully assessed for suitability to the needs of vessels using the harbour?	NA	
10.4	10.3		Are the tug resources adequate for harbour needs?	NA	
10.5	10.2.3		Are tugs used in restricted visibility?	NA	
10.6	10.2.3		Are any special guidelines in use for restricted visibility?	NA	
10.7	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
10.8	10.3.10		Do the towage operators have formal procedures that are referred to in the MSMS?	NA	
10.9	10.3.10		Has the harbour authority agreed with the tug operators a policy on correct gear and procedures for towing?	NA	
10.10	10.2		Have tugs, their gear and procedures been fully integrated into the risk assessment as a risk control?	NA	
10.11	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	
10.12	10.3.8-13		Does the harbour authority: put in place: <ul style="list-style-type: none"> <li>• Risk assessment;</li> <li>• Method statement; and</li> <li>• Passage plan.</li> </ul> with regards to dead tows etc.	Y	MSMS 1.3 annex 18.
	10.3.11		give written approval for such moves.	Y	
	10.3.13		train pilots in dead-ship towage.	NA	

## 10.1 COMMENTS

Nil.

## 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
11.1	11.2		Does the harbour authority exercise any powers of regulation over port craft?	Y	See below.
11.2	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	See below.
11.3	11.2.2	2.18	Does the harbour authority possess the competencies to carry out inspections on port craft?	N	
11.4	11.2.2, 11.2.3		Does the harbour use outside contractors to carry out inspections of port craft on its behalf?	Y	The harbour workboat by MECAL for MCA certification.
11.5	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	See below.

11	GtGP	PMSC	Y/N	Comment	
11.6	11.4, 6.6.3		Does the harbour authority control operations with a process/procedure for:		
			Hot work;	Y	MSMS 1.3 Annex 28.
			Bunkering;	Y	MSMS 1.3 Annex 27 plus NtoM.
			Engine immobilisation;	N	
			Diving/swimmer.	Y	MSMS 1.3 Annex 25.
11.7	11.5		Does the harbour authority permit recreational diving in the harbour?	Y	No regulation to prevent it.
11.8	11.6		Does the harbour authority exercise powers in relation to commercial vessel mooring plans and mooring parties?	N	
			Have mooring operations been specifically risk assessed: <ul style="list-style-type: none"> <li>• Within the NRA?</li> <li>• Berth / vessel type specific assessments?</li> </ul>	N	Recommend review the arrangements at Vestas.
			Are suitable controls in place and effective: <ul style="list-style-type: none"> <li>• Procedures?</li> <li>• Notices?</li> <li>• Stakeholder briefings?</li> </ul>	N	See above. In particular review possible self-mooring.
11.9	11.6		Does the harbour authority regulate the mooring of vessels in the harbour?	Y	Via the IOWC Mooring Licensing System.
			Does the harbour authority ensure that mooring parties meet industry's competence standards and have access to appropriate training?	N	See 11.6 above.

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## 11.1 COMMENTS

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

Newport Harbour has introduced an additional Water Taxi Permit scheme; details are included in the MSMS v 1.3. It is recommended that the scheme is also promulgated as a Notice to Mariners.

11.8 and 11.9 It is recommended that the commercial berth operators' procedures for the mooring of commercial vessels are reviewed ensuring mooring gangs are trained correctly and that self-mooring is prohibited. (See MAIB Report 9/2020 and Port Skills and Safety - Spotlight on Self Mooring Fatalities).

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

Private moorings are required to be kept in good order by the licence holder.

## 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
12.1	12.4, 12.5	1.16, 2.18	Does the Harbour Master hold an appropriate qualification?	Y	BMF Marina Administration. See below.
12.2	12.5	1.16, 2.18	Do the Deputy and/or Assistant Harbour Masters hold appropriate qualifications?	NA	See 2.3 and 2.6.
12.3	12.7	1.16, 2.18	Do VTS officers hold appropriate qualifications?	NA	
12.4	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 MSMS 1.3 plus individual staff file.
12.5	12.9	1.16, 2.18	Does the harbour authority exercise control over the training and competence of tugs crews?	NA	
12.6	12.10	1.16, 2.18	Does the harbour authority, directly or indirectly, employ suitably qualified hydrographic surveyors?	Y	Shoreline Surveys Ltd.
12.7	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 is now an active member of SASHMA and the UKHMA are attending their meetings.

## 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
13.1	13.8	2.20	Does the SMS include procedures for accident/incident investigation?	Y	
			Recent example?	N	No reported marine incidents.
13.2	13.4.2	2.23	Does the harbour authority follow a set procedure for informing the MAIB?	Y	
13.3	13.3.6-10	2.21	Does the process separate offences for investigation by other agencies? (Police/MCA/EA etc.)?	Y	
13.4	13.11.6	2.20	Does the investigation process inform the risk assessment for review purposes?	Y	

13	GtGP	PMSC		Y/N	Detail/Comment
13.5	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?	Y	Via NHUG, SASHMA and UKHMA.
13.6	12.8.4	2.20- 2.21	Does the investigation process link with the enforcement process?	Y	
13.7	13.2.2		Does the Harbour Authority understand their powers in relation to drink and drugs afloat?	Y	

### 13.1 COMMENTS

13.2 to 13.5 Since the previous audit incident reporting and investigation procedures have been developed in the MSMS.



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Assistant Director Coastal Safety,  
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Economy and Environment

From:  
Harbour Committee acting as Duty Holder  
**Isle of Wight Council**  
County Hall, Newport  
Isle of Wight PO30 1UD

Tel (01983) 821000  
Email  
DX 56361 Newport (Isle of Wight)  
Web *iwight.com*

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Our ref:

17 December 2020

For the Attention of the Chief Executive, Maritime and Coastguard Agency

Dear Sir

**RE: STATEMENT OF COMPLIANCE – NEWPORT HARBOUR**

On behalf of Newport (IOW) Harbour Authority and in my role as chairman of the Harbour Committee which acts as Duty Holder, I am pleased to advise you that Newport Harbour has met the requirements of the Port Marine Safety Code.

The council has commissioned an external company (Marico Marine) to undertake the role of Designated Person; they conducted an independent audit of Newport Harbour in October 2020 and found it to be compliant in all relevant aspects of the PMSC.

I can advise that we are awaiting a new Harbour Revision Order which the MMO have recently advised should be laid by the end of February 2021; following this we will be looking to establish a series of General Directions which will assist the management and operation of the harbour.

With regard to Ryde and Ventnor Harbours the issues identified in the last health check are still being addressed so they remain non-compliant.

In the event that you have any queries relating to this matter please contact, Jonathan Brand, Senior Harbour Master; [jonathan.brand@iow.gov.uk](mailto:jonathan.brand@iow.gov.uk)

Councillor Ian Ward  
Cabinet Member for Infrastructure and Transport

Note: to be emailed to: [pmsc2021compliance@mcga.gov.uk](mailto:pmsc2021compliance@mcga.gov.uk)

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