

ISLE OF WIGHT COUNCIL

**VENTNOR PORT MARINE SAFETY CODE AUDIT - 25
SEPTEMBER 2023**



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

Author(s): D Foster

QC: W Heaps and S Barnet

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

Telephone: + 44 (0) 2380 811133

Email: officeUK@maricogroup.com



EXECUTIVE SUMMARY

On 15 Mar 22 the Isle of Wight Council (IWC) reappointed Marine and Risk Consultants Ltd (Marico Marine) to continue to provide an independent Designated Person (DP) service for Newport and Ventnor Harbours as specified in the Port Marine Safety Code (PMSC) and as detailed in the "A Guide to Good Practice on Port Operations" for a further three-year extension.

In Apr 23 the IWC contracted out the day-to-day management of Ventnor Harbour to Ventnor Haven Management Ltd (VHM).

This PMSC audit was conducted by the Designated Person, Mr D Foster, on 25 Sep 23 and is intended as a baseline start of contract audit for the Ventnor Haven Management Ltd as well as the annual report to the Duty Holder.

Overall, insufficient progress has been made to take forward the "Get-Well" plan drawn up after the PMSC audit conducted in Aug 21.

Ventnor Harbour still does not comply with the Port Marine Safety Code, the principal reasons are:

- **There is no Navigation Risk Assessment;**
- **The Marine Safety Management System is still in draft and is incomplete;**
- **There is no Port Emergency Plan;**
- **There is no Port Waste Management Plan; and**
- **The harbour has not been surveyed since it was constructed.**

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

- The Ventnor Harbour Revision Order 1994 gives the Harbour Authority the powers to apply for both Harbour Byelaws and General Directions; however, currently, there does not appear to any need for either Harbour Byelaws or General Directions;
- The day-to-day management of Ventnor Harbor has been contracted out to Ventnor Haven Management Ltd (VHM). The Duty Holder remains the IWC Harbour Committee and the harbour continues to be regularly visited by the IWC Senior Harbour Master;
- It is recommended that Duty Holder training is given to new members of the Harbours Committee on joining;
- It is recommended that a regular Ventnor Harbour User Group is introduced with a standing agenda similar that in place for the Newport Harbour User Group;
- It is recommended that a Ventnor (or a combined Ventnor and Newport) Marine Safety Management Plan is drafted for approval at the next Harbour Committee/Duty Holder's meeting in Jan 24;

- It is recommended that the Ventnor Harbour section of the IWC website is reviewed and refreshed;
- It is recommended that a Navigation Risk Assessment (NRA) of Ventnor Harbour, including local stakeholder consultation, is conducted as soon as possible;
- It is recommended that the drafting of the Marine Safety Management System (MSMS), proportionate to the size of harbour, is expedited and is ready for approval by the Duty Holder at the next IWC Harbours Committee in Jan 24;
- It is recommended that a simple Ventnor Harbour Emergency Plan is drafted that includes a basic Tier 1 oil spill contingency plan (OSCP) and an accompanying overall exercise plan; and
- It is recommended that a Harbour Waste Management Plan is drafted for MCA approval;
- It is recommended that Ventnor Harbour and approaches are surveyed and the results are fully promulgated including to the UKHO;
- It is recommended that VHM develop a training policy plus a staff qualification and training matrix similar to those employed in Newport; and
- It is recommended that the procedures for incident recording, investigation, after actions and the final sign-off are set out clearly in the MSMS.

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INTRODUCTION

On 15 Mar 22 the Isle of Wight Council (IWC) reappointed Marine and Risk Consultants Ltd (Marico Marine) to continue to provide an independent Designated Person (DP) service for Newport and Ventnor Harbours as specified in the Port Marine Safety Code (PMSC) and as detailed in the “A Guide to Good Practice on Port Operations” for a further three-year extension.

In Apr 23 the IWC contracted out the day-to-day management of Ventnor Harbour to Ventnor Haven Management Ltd (VHM).

This PMSC audit was conducted by the Designated Person, Mr D Foster, on 25 Sep 23 and is intended as a baseline start of contract audit for the Ventnor Haven Management Ltd as well as the annual report to the Duty Holder.

The following visit programme was arranged.

Table 1: Programme 25 Sep 23

Time	Location	Present	Comments
1215-1400		J Brand (SHM IWC) D Foster (Marico)	Travel to Ventnor and working lunch.
1400-1430	Ventnor Harbour	J Brand E Blake (VHM) D Foster	Site visit.
1430-1715	Ventnor	J Brand E Blake (VHM) D Foster	Office based audit and future development discussions.

Table 2: Previous Ventnor Harbour PMSC Audit Reports

Audit	Date of Audit	Marico Report
Ventnor PMSC Audit	12 May 21	19UK1543 dated 2 Jun 21
Ventnor PMSC Audit Revision	20 Sep 22 (Revision)	21UK1829 dated 31 Oct 22

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	Ventnor Harbour Revision Order 1994.
1.2	1.3-1.4	3.11	Are the statutory duties and powers of the harbour effective for purpose?	Y	
1.3	1.6.1	3.11	Are the harbour limits of jurisdiction appropriate to the current activity of the port?	Y	
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	
1.6	1.9.7	4.3 -4.4	Does the harbour have Byelaws?	N	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	
1.8	1.8	4.6-4.7	Does the harbour authority have powers of Special Directions?	Y	Ventnor Harbour Revision Order 1994.
1.9	1.9	4.8-4.9	Does the harbour authority have powers of General Direction / Harbour Directions?	Y	See below.
1.10	1.9.4	3.13	Are there grounds for applying for a Harbour Revision Order?	N	
1.11	1.9.11		Does the harbour authority issue licences (e.g. port craft, local watermen or works etc.)?	N	
1.12	1.9.12	2.25	Is a clear enforcement policy in existence, clearly promulgated and adequately resourced?	Y	In the draft MSMS.

1.1 COMMENTS

1.6 and 1.9 The Ventnor Harbour Revision Order 1994 gives the Harbour Authority the powers to apply for both Harbour Byelaws and General Directions; however, currently, there does not appear to any need for either Harbour Byelaws or General Directions.

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	In the draft MSMS. See below.
2.2	2.2	1.1	Has the organisation published a commitment to comply with standards laid down in the Code?	Y	In the draft MSMS.
2.3	2.2.5	1.1 1.13- 1.17	Are the executive and operational duties stated and assigned?	Y	In the draft MSMS including VHM.
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 last given 28 Jul 21. PMSC training was given to VHM 3 Jul 23. See below.
2.5	2.2.22, 2.2.23	1.2	Do new Duty Holders receive PMSC training as part of their induction?	N	See below.
2.6	2.2.20	1.9, 1.14- 1.15	Has a Harbour Master been appointed?	Y	Mr E Blake of VHM.
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 Foster.
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	Via IWC Officers.
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	The DP attends occasional Harbour Committee meetings, conducts annual PMSC audits, plus monthly liaison calls with the Senior Harbour Master and Council Officers.
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?	N	The IWC letter of compliance sent in Mar 21 specifically stated that Ventnor did not comply with the PMSC.

2.1 COMMENTS

2.1 On 1 Apr 23 the day-to-day management of Ventnor Harbour was contracted out to Ventnor Haven Management Ltd (VHM). The Duty Holder remains the IWC Harbour Committee and the harbour continues to be regularly visited by the IWC Senior Harbour Master.

2.4 and 2.5 Duty Holder training is not given automatically to new members of the Harbours Committee on joining; two new members have joined the committee since the last PMSC training.

It is recommended that Duty Holder training is given to new members of the Harbours Committee on joining.

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?	N	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?	N	
3.4	3.2.10-11		Has the organisation established stakeholder advisory or consultative committees?	N	See below.
3.5	3.2.12	2.17	Are plans, reports, information and/or advice affected by or affecting harbour users communicated effectively to them?	N	See below.
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?	N	See below.
3.7	3.1.4, 5.1.6	2.17	Does a communication channel exist with employees / contractors affected by the MSMS?	Y	

3	GtGP	PMSC		Y/N	Comment
3.8	3.2.12	2.28	Does the organisation utilise websites to publish marine procedures and reports?	Y	Mentioned on the IWC website but is not easy to find. See below.

3.1 COMMENTS

3.1, 3.4, 3.5 The details and membership of a future Ventnor Harbour User Group are included in the draft MSMS but the inaugural meeting has not yet taken place.

It is recommended that a regular Ventnor Harbour User Group is introduced with a standing agenda similar that in place for the Newport Harbour User Group.

3.6 It is recommended that a Ventnor (or a combined Ventnor and Newport) Marine Safety Management Plan is drafted for approval at the next Harbour Committee/Duty Holder's meeting in December 2023.

3.8 It is recommended that the Ventnor Harbour section of the IWC website is reviewed and refreshed.

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?	N	
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?	N	
4.3	4.2.23	2.7, 2.12	Have risk controls been properly applied?	N	
4.3	4.2.28	2.8	Has the NRA been carried out by suitably qualified people?	N/A	
4.4	4.1.5	2.11	Have stakeholders been consulted on existing or new risk assessments?	N	
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?	NA	
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	In the draft MSMS.

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	In the draft MSMS including a flow chart.
4.8	4.1.6	2.9	Is the NRA available to those they affect?	N	
4.9	3.3.		Are other port user risk assessments (e.g. towage and line handling etc.) taken into account?	NK	
4.10	4.3.7	2.7-2.11	Does the NRA output rank hazards by risk score?	Y	If using Hazman.
	4.3.7		Is the Duty Holder aware of the top risks?	N	Not until NRA is conducted.

4.1 COMMENTS

4.1 to 4.5 and 4.10 Ventnor harbour is not covered by a Navigation Risk Assessment (NRA).

It is recommended that a Ventnor Harbour NRA, including local stakeholder consultation, is conducted as soon as possible. The most straight forward method of achieving this is by adding Ventnor into the current IWC Hazman system as a new register.

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/N	See below.
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? -	N	Ventnor procedures and annexes have not been drafted.
	5.1.5, 5.1.6		Policy statements: Code compliance, Navigation, Pilotage, Marine Conservancy, Environmental, Enforcement and Prosecution.	Y	
	Annex A		National and local legislation;	Y	
	5.1.11		Control of ship movements;	N	Not required.
	5.1.11		Environmental impact;	N	IWC Environmental Department?
	2.2.9		Prevent acts or omissions that may cause personal injury to employees or others;	N	Signage only. IWC Health and Safety Department?

5	GtGP	PMSC		Y/N	Comment
	5.1.9		Roles and responsibilities of key personnel;	Y	
	5.1.11		Marine safety procedures;	N	To be drafted.
	5.1.12		Incident and near miss recording and analysis;	N	To be drafted.
	6.1.1		Emergency plans;	N	To be drafted.
	12.2.1, 12.11		Qualifications, recruitment and training;	N	To be drafted. No training records.
5.3	5.1.12	2.14	Does the MSMS contain a procedure for measuring performance including a database to record incidents and near misses?	N	To be drafted.
5.4	5.1.13	2.14	Does the MSMS include processes for effective (annual) internal audit, review of procedures and external audit?	Y	Annually by Designated Person.
5.5	4.2.5	2.10	Does the MSMS review process include risk assessment review and are lessons learnt applied to relevant procedures?	Y/N	In the draft MSMS including a flow chart.
5.6	5		Is the MSMS user friendly?	N/K	

5.1 COMMENTS

5.1 The Ventnor MSMS is being developed based upon the Newport MSMS and is still in draft form. Draft edition 1.0 was examined during the audit.

The importance of ensuring that the MSMS is proportionate to the size of harbour yet covers the essential elements was discussed.

5.1 to 5.6 It is recommended that the drafting of the MSMS, proportionate to the size of harbour, is expedited to be ready for approval by the Duty Holder at the next IWC Harbours Committee in Jan 24;

It is further recommended that there is a clear relationship between the main text, the SOPs and the Annexes.

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
6.1		2.14,3.9	Does the organisation have emergency plans for:		
	6		Marine operations;	N	See below.
	6.4		Pollution (MCA);	N	Not required ¹ . See below.
	6.2.5		Waste Plan.	N	See below.
6.2	5	2.14	Are emergency plans included in or referred to in the SMS?	N	See below.
6.3	6.1.2	3.9	Is the organisation included in larger national or regional plans?	Y	IWC Emergency Plan.
6.4	6.8.13		Does the organisation have a published exercise programme and carried out exercises?	N	
6.5	6.2 6.3		Does the SMS address the handling of dangerous or polluting cargoes/substances?	NA	Ventnor does not handle dangerous or polluting cargoes or substances.

6.1 COMMENTS

6.1 and 6.2 It is recommended that:

- A simple Ventnor Harbour Emergency Plan is drafted that includes a basic Tier 1 oil spill contingency plan (OSCP) and an accompanying overall exercise plan; and
- A Harbour Waste Management Plan is drafted for MCA approval.

¹ Andrew Healy Counter Pollution and Salvage Officer email dated 3 Mar 23.

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	See below.
7.2	7.2	3.6-3.7	Does the harbour authority: Carry out regular hydrographic surveys;	N	See below.
	7.2.15		Maintain navigation marks in optimum position;	N	See below.
	7.2.17		Monitor changes in the sea or river bed;	N	See below.
	7.3		Keep proper hydrographic and hydrological records.	N	See below.
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)?	N	See below.

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?	NA	No commercial NAABSA berths other than for local fishing vessels.
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	Part of the VHM contract.
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	Recent satisfactory Trinity House annual inspection report.
7.8	7.4.1		Does the Harbour Authority have the statutory powers to dredge in their local legislation?	Y	The Ventnor Harbour Revision Order 1994.
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	Including the disposal of seaweed. 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	The Ventnor Harbour Revision Order 1994.
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	On a case-by-case basis by IWC.
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	By IWC.
			Are there any nature conservation areas in the vicinity of the SHA?	N	

7.1 COMMENT

7.2 and 7.3 There appears to be no record of Ventnor Harbour having been surveyed since it was constructed.

It is recommended that Ventnor Harbour and approaches are surveyed and the results are fully promulgated including to the UKHO.

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 0**), 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?	N	Part of the NRA process. See Section 4.
8.3	8.4.12, 8.4.3-17		Is the current level of service appropriate?	NK	
8.4	8.75	3.3	Does the Harbour Authority have LPS / VTS procedures?	N	
8.5	8.7.15-17		Does the Harbour Authority enforce the requirement for a Port Passage Plan for visiting vessels?	N	
	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?	N	Part of the NRA process. See Section 4.
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/N	Local recreational events have not taken place in Ventnor Harbour recently. To be included in the draft MSMS.
8.8	9.4.	4.11, 4.12	Has the organisation identified the needs for pilotage through risk assessment?	NA	Vessels using the Harbour are below the threshold of the Pilotage Act.
8.9	8.9		Does the harbour authority operate harbour patrols?	N	

8	GtGP	PMSC		Y/N	Comment
8.10	8.10.1-11		Does the harbour authority have to accommodate operations or events outside normal commercial activity?	N	Local recreational events have not taken place in Ventnor Harbour recently. To be included in the draft MSMS.
8.11	8.11		Are there subsea pipelines and/or power cable in the SHA? If so, is their protection contained in the MSMS?	N	
8.12	8.10.22-26		If applicable is there effective liaison between organisation and marina(s)?	NA	

8.1 COMMENTS

Nil.

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?	NA	
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)?	NA	
9.6		4.15	Does the harbour authority maintain:		

9	GtGP	PMSC		Y/N	Comment
	9.5.6, 9.5.18		PEC syllabus.		
	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	
10.8	10.3.10		Do the towage operators have formal procedures that are referred to in the MSMS?	NA	

10	GtGP	PMSC		Y/N	Comment
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"> • 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.

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/N	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/N	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?	NA	
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/N	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;	NA	
			Bunkering;	N	Petrol for outboard motors are brought by jerry cans.
			Engine immobilisation;	NA	
			Diving/swimmer.	NA	
11.7	11.5		Does the harbour authority permit recreational diving in the harbour?	Y	Not prohibited.
11.8	11.6		Does the harbour authority exercise powers in relation to commercial vessel mooring plans and mooring parties?	NA	
			Have mooring operations been specifically risk assessed: <ul style="list-style-type: none"> • Within the NRA? • Berth / vessel type specific assessments? 	NA	
			Are suitable controls in place and effective: <ul style="list-style-type: none"> • Procedures? • Notices? • Stakeholder briefings? 	NA	
11.9	11.6		Does the harbour authority regulate the mooring of vessels in the harbour?	Y	Ventnor Harbour Revision Order 1994.
			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 IWC 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 and Ventnor. The inspections are carried out by qualified marine surveyors.

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	Experienced fishing vessel skipper with PMSC training.
12.2	12.5	1.16, 2.18	Do the Deputy and/or Assistant Harbour Masters hold appropriate qualifications?	NA	
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?	N	See below.
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/N	No recent survey.
12.7	12.11	2.18	Does the organisation have a training policy and maintain training records?	N	See below.

12.1 COMMENTS

12.4 and 12.7 It is recommended that VHM develop a training policy plus a staff qualification and training matrix similar to those employed in Newport.

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? Recent example?	Y	In the draft MSMS including a flow chart. No recorded incidents.
13.2	13.4.2	2.23	Does the harbour authority follow a set procedure for informing the MAIB?	Y	In the draft MSMS including a flow chart. Senior Harbour Master.
13.3	13.3.6-10	2.21	Does the process separate offences for investigation by other agencies? (Police/MCA/EA etc.)?	Y	In the draft MSMS including a flow chart. No recorded incidents.
13.4	13.11.6	2.20	Does the investigation process inform the risk assessment for review purposes?	Y	In the draft MSMS including a flow chart. No recorded incidents.
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?	N	Include as part of the VHUG standing agenda when formed.
13.6	12.8.4	2.20-2.21	Does the investigation process link with the enforcement process?	Y	In the draft MSMS including a flow chart.

13	GtGP	PMSC		Y/N	Detail/Comment
13.7	13.2.2		Does the Harbour Authority understand their powers in relation to drink and drugs afloat?	Y	

13.1 COMMENTS

13.1 to 13.7 It is recommended that the incident investigation procedures in the MSMS include:

- Separating marine and shore incident investigation procedures, methods and deciding which reporting system is to be used;
- Explaining the Hazman incident recording and investigation progress tracking system;
- Ensuring that after every investigation, however small, the appropriate NRA Hazard(s) and procedures are reviewed and updated if necessary. This should be recorded;
- Investigations should remain open until the Harbour Master is completely satisfied that all actions have been completed before formally signing of the investigation. This should be recorded;
- The results of any investigation should be promulgated to the relevant members of staff and to the appropriate stakeholders (standard stakeholder meeting agenda item); and
- The Duty Holder should be routinely briefed on all investigations that are underway and their progress towards completion.