



ISLE OF WIGHT COUNCIL

NEWPORT HARBOUR PORT MARINE SAFETY CODE AUDIT - 14 OCTOBER 2020



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MARINE AND RISK CONSULTANTS LTD

ISLE OF WIGHT COUNCIL

NEWPORT HARBOUR PORT MARINE SAFETY CODE AUDIT - 14 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;

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- 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.

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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.

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 periods¹, 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.

¹ 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
3.7	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.
3.8	3.2.12	2.28	Does the organisation utilise web sites to publish marine procedures and reports?	Y	See below.

3.1 COMMENTS

3.1, 3.4 The Newport Harbour User Group (NHUG) meets 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.
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?	Y	See below.
5.4	5.1.13	2.14	Does the MSMS include processes for effective (annual) internal audit, review of procedures and external audit?	Y	
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	A NRA review is owing See 4.5.
5.6	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
6.1		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	
6.2	5	2.14	Are emergency plans included in or referred to in the SMS?	Y	
6.3	6.1.2	3.9	Is the organisation included in larger national or regional plans?	Y	IOWC Emergency plan.
6.4	6.8.13		Does the organisation have a published exercise programme and carried out exercises?	Y	See below.
6.5	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"> • Risk assessment; • Method statement; and • Passage plan. 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"> • Within the NRA? • Berth / vessel type specific assessments? 	N	Recommend review the arrangements at Vestas.
			Are suitable controls in place and effective: <ul style="list-style-type: none"> • Procedures? • Notices? • Stakeholder briefings? 	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.

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.