

# Regs4ships

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## Port Marine Safety Code

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River Hamble Harbour Authority audit report: August 2012

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## 1 Executive Summary

**This audit was conducted using the most recent guidance issued by the Maritime and Coastguard Agency who issued a thorough “aide memoire” or checklist to assist auditors perform a top to bottom audit based on the principles published in the Port Marine Safety Code.**

**As a consequence of this audit we can independently assure the duty holder (the Harbour Board) that the marine safety management system, for which the Board is responsible, is working effectively.**

**We are pleased to report that River Hamble Harbour Authority continues to discharge its statutory functions effectively and efficiently and to the very highest standards. Continued compliance with the Port Marine Safety Code should reduce the risk of incidents occurring in harbour waters and provide protection for the duty holder if an incident does occur.**

**In comparison to some of the other ports that we assist this report is short. It is short because there is not much to report on other than all is well subject to the observations we make.**

## 2 Background

The Port Marine Safety Code requires that the Designated Person audits the Harbour Authority’s compliance with the Code and provides independent assurance to the duty holder. The main responsibility of the DP is to determine, through assessment and audit, the effectiveness of the marine SMS in ensuring compliance with the Code.

We report accordingly and ask that this report be presented to the Board at the next Board meeting.

We enclose a Certificate of Compliance confirming compliance with the Code subject to the contents of this report. This should be filed in the appropriate section of the SMS.

## 3 Close out of observations from previous audit

All observations made in previous audits have been closed out.

## 4 Non- conformities

None.

## 5 Observations from this audit

The completed MCA “Aide memoire” is attached to this report and forms part of it. The following observations are extracted from it.

### 5.1 Responsibilities of Duty Holders.

Each member of the Board should acknowledge in writing their responsibilities as a duty holder and that they cannot assign or delegate their responsibility. Whilst the Chairman has signed suitable statements it would be clearer if each member formally recorded recognition of their responsibility.

## 5.2 Harbour, Docks Piers Clauses Act 1847

This is the grandfather Act for ports and harbours. Only the provisions incorporated in local legislation apply. With reference to Article 4 of the River Hamble Harbour Revision Order 1970, an up to date copy of the Act should be annotated to show which provisions apply to RHHA and kept at the Harbour Office for reference.

## 5.3 Risk Assessments

### 5.3.1 Annual review

The annual review of all risk assessments must be recorded.

### 5.3.2 Open propellers on patrol boats

The patrol boats may be used in close proximity to persons in the water. They have open propellers the dangers of which are well documented. They should be subjected to a formal risk assessment with due regard to the benefits or otherwise of fitting prop guards.

### 5.3.3 Fire risk assessments

The fire risk assessments for the premises and for the River should be reviewed in line with guidance from HCC and the Department for Communities and Local Government.

### 5.3.4 Aids to Navigation

A formal risk assessment should be conducted on all Aids to Navigation using first principles; the reports from Trinity House will assist in this process.

### 5.3.5 Towage guidelines

Whilst the towage guidelines are robust they do not deal with towage in reduced visibility when the risks are greater. We suggest that no towage should be provided in reduced visibility where the towed vessel cannot be clearly seen throughout the tow or where conditions indicate it may not be seen at any time during the tow. The risks of girding (capsize) during a tow must be re-iterated at the next weekly staff meeting and included in all induction and staff training. Whenever possible "towing on the hip" is to be the preferred method of tow.

## 5.4 Special directions

There is no guidance on issuing Special Directions so that they would withstand legal scrutiny if the Direction needed to be enforced. Most conduct offences are covered by the Byelaws or General Directions (e.g. speeding, excessive wash, navigating with care and caution) so should be dealt with using those instruments. A Special Direction is most likely to be used to instruct a vessel owner or skipper to move it.

We suggest that simple guidance is drafted which includes the following text if the Direction is given verbally:-

*"I give you this Special Direction in accordance with the law. Not to comply with the instructions I give you is an offence for which you may be prosecuted.*

*You are directed to proceed to (a place or berth) immediately (or at a stated time)."*

And the following text if given in writing.

*“ Pursuant to the powers granted to the harbour master by section 52 of the Harbours, Docks and Piers Clauses Act 1847 you are directed to move the vessel, “Vessel name” , to (a place or berth or to leave the harbour) by (state time and date). Not to comply with this Direction is an offence for which you may be prosecuted.”*

In other cases or when there is time advice should be sought from HCC legal or the DP.

## 6 Other observations

### 6.1 CCTV

There are on-going technical problems with the CCTV system. Its value to the RHHA in terms of safety management, theft deterrent and crime detection and river management in relation to the costs of maintaining the existing system should be reviewed.

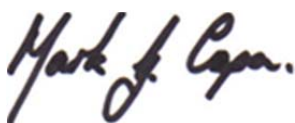
### 6.2 River Hamble Harbour Management Committee

The DP attended the public meeting of this committee on 29 June 2012 as an observer and went on the annual trip on the river thereafter. The Management Committee continues to reflect the full engagement of all stakeholders and it is evident that the Harbour Board value and give serious consideration to the advice and input they receive from the committee. This is just as it should be and meets the spirit of the requirements of the River Hamble Harbour Revision Order 1982.

## 7 Conclusion

The River Hamble Harbour Authority is responsible for a thriving and busy River which is a most valuable public asset enjoyed by thousands of people with mixed interests every year. The Governance regime is sound, the day to day management of the River accords with the policies set by the Board and this is accomplished with a dedicated and professional team at the Harbour Office. Our role is to assure the Board that the Harbour Authority meets the standards set out in the Port Marine Safety Code and it is with pleasure that we do so. We thank the team at the Harbour Office for their candid assistance.

Respectfully submitted



Mark G Capon  
Designated Person under the Port Marine Safety Code  
For and on behalf of Regs4ships Ltd

*The following forms part of this report:*

*This report is issued by Regs4ships Ltd, the Officers of which have exercised reasonable care in conducting this audit. All details and particulars in this report are believed to be true, but are not guaranteed accurate. All judgments, conclusions and recommendations are expression of opinions based on skill, training and experience. Unless otherwise stated, no actual measurements or calculations were made by the auditor at the time of this inspection.*

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