

**HAMPSHIRE COUNTY COUNCIL****Report**

<b>Committee</b>	River Hamble Harbour Board
<b>Date:</b>	15 January 2016
<b>Title:</b>	Safety Management Audit Report
<b>Reference</b>	7147
<b>Report From:</b>	Director of Culture, Communities and Business Services

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## 1. Summary

- 1.1. This report indicates the River Hamble Harbour Authority's continued compliance with the Port Marine Safety Code. The Authority's Safety Management System was audited on 15 October 2015 by Regs4Ships as the Designated Person. The report and certification of compliance are at Appendix A.

## 2. Context

- 2.1 This audit was conducted by Mr Andrew Langford on behalf of Regs4Ships and represented an opportunity for the Designated Person and Harbour Authority to take a fresh look at the Safety Management System alongside the new Harbour Master.
- 2.2 Confirming that the SMS is fit for purpose, the review made a number of refining recommendations which are summarised at the Appendix. Most of these relate to system husbandry. The most significant recommendation (Number 4) is the establishment of a seamless 'closed loop' reporting system. This system will be based on formal quarterly operations and safety meetings. It is now in place and allows objective ongoing analysis of the effectiveness of the SMS and its risk assessments in the light of observed events and official safety reports<sup>1</sup>.
- 2.3 It should be noted that:
- a. Recommendation 2: The Harbour Board is compliant and the last formal report to the Maritime and Coastguard Agency was made on 21 January 2015. The next report falls due in 2018.
  - b. 'A to N' in recommendation 6 means 'Aids to Navigation'.

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<sup>1</sup> For example: Marine Accident and Investigation Branch digest reports.

**3. Recommendation**

**3.1 It is recommended that this report be noted.**

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

Section 100 D - Local Government Act 1972 - background documents	
The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)	
<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **Equalities Impact Assessment:**

1.2 A full Equalities Impact Assessment for the River Hamble Harbour Authority's compliance with the Port Marine Safety Code (including environmental responsibilities) has been carried out and this report does not raise any issues not previously covered by that Assessment.

### **2. Impact on Crime and Disorder:**

2.1. There are a number of references to alleged crime on the River in the content of this report.

### **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption? The contents of this report have no impact on carbon footprint or energy consumption.
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? Not applicable to this report.



**Hamble Harbour Authority**

**Port Marine Safety Code**

**MCA Training Audit**

**15 October 2015**

Author:	ARL	Checked by:	MGC	Authorised by:	MGC
Date:	29/10/15	Date:		Date:	

## Introduction

As part of their contract with Hampshire County Council as Designated Person for Hamble Harbour Authority (HHA), Regs4ships provided training for the newly appointed Harbourmaster, Jason Scott, so as to familiarise him fully with the Safety Management System (SMS) as it pertains to the requirements of the Port Marine Safety Code and to provide continued assurance to the Harbour Board that the SMS continues to be fit for purpose.

The methodology employed was to follow the content of the MCA aide memoire, which is based upon the Guide to Good Practice on Port Operations for the Port Marine Safety Code (GTGP), but rather than to merely sample, instead explore in some depth the mechanics of the SMS – a look ‘under the hood’ in a manner of speaking.

This allowed us to examine the full spectrum of a prospective MCA audit visit whilst allowing us to concentrate on any areas by which the SMS may be improved – these would then be addressed by this report.

## Training Audit Report (References are those of the MCA Aide Memoire)

### Section 2: Designated Person

Regs4Ships as Designated Person (DP) fulfils the obligations to the Code to provide independent assurance to the Duty Holder that the SMS is fit for purpose within the requirements of the PMSC. Reporting regularly and directly to the Duty Holder, the DP holds the requisite skills and competencies as recommended by the GTGP.

### Section 3: Duty Holders

The members of Hamble Harbour Board are collectively the nominated Duty Holder. Each has signed a Letter of Responsibility to acknowledge their obligations to this.

#### 3.1 Duty Holders

The Duty Holders (The Harbour Board) are clearly identified and published as such, however the format of the letter that each has signed acknowledging this differs in content as new Board Members have joined. In older versions of the letter, there is no statement of individual and collective responsibility. It is recommended that an updated format is produced for the Board to sign. This will re-vitalise their commitment to the Code as well as correctly state their responsibilities to it.

**Recommendation 1: Update the Duty Holder Responsibility Letters.**

#### 3.7 Harbourmaster's Report

This is a standing item on both the Harbour Board Meeting and River Hamble Harbour Management Committee agendas and as such fulfils the need to publically report the performance of the Authority against the requirements of the PMSC annually

Some of the content of this report could be re-published in the format of an annual 'Harbourmaster's Report' to include trend analysis of incidents and other informative pieces. Where this has been done in other harbours, it has proved a valuable vehicle for educating harbour users, being particularly beneficial in mixed-use waters such as the Hamble.

### 3.8 Strategic Vision Plan 2015

This document satisfies the requirement to assess performance against the Code every three years insofar that it references the PMSC. It is recommended that this Plan has a formalised refresh cycle not exceeding three years. (the previous Strategic Plan was published four years ago) This is currently part of the Annual Board agenda.

**Recommendation 2: Formally set the Strategic Vision Plan review cycle at three years, (or identify explicitly that the Strategic Vision Plan is the embodiment of the three yearly requirement to assess performance against the PMSC.)**

### Section 4: Duties and Powers

The Authority has power of Direction and exercises this through published General Directions, supported by Byelaws enacted under the Hamble Harbour Revision Order. It is understood that the Harbourmaster will shortly begin reviewing these Byelaws.

### Section 5: Consultation and Information Dissemination

The Harbour Authority engages with a wide variety of water users through a number of channels:-

Hampshire County Council Website.

River Hamble Handbook.

Visitor's Guide to the River Hamble.

River Hamble Harbour Management Committee.

The Hamble Forum – an annual public meeting.

Direct engagement with local clubs, associations and the public.

Of note are the general risk assessments held on file for each of the yacht clubs, and management of large events (regattas) by way of specific authorisations issued on the basis of risk assessment. Local Clubs subscribe to a 'Code of Practice.'

Notices to River Users (or would otherwise be known, LNTMs) are published on the basis of requirement and are updated according to need. There is an annualised list of current Notices.

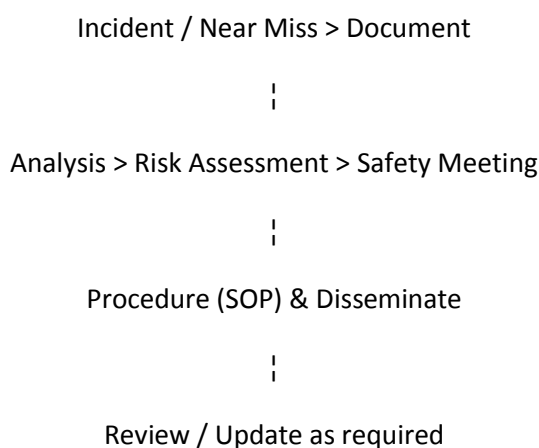
## Section 6: Risk Assessment

There is a comprehensive collection of Risk Assessments which show adequate evidence of regular review.

### 6.3, 6.6 MAIB Reports, Re-assessment of risk

MAIB reports are received and read by all staff, controlled by a distribution list, however, there is a lack of evidence of systematic incorporation of lessons learned into SOPs. For example, following the 'Milly M' incident in the Camel Estuary, there was a concerted campaign with regard to Kill Cords. Whilst there are Risk Assessments supporting use of Kill Cords and requirements in SOPs, there is nothing identifying the incident as the driver to the update.

We discussed at some length strengthening the methodology by which 'lessons learned' can be seamlessly incorporated into the SMS. There are many variations of a theme, but the fundamental process remains the same:-



**Recommendation 3: Risk Assessment review and Safety Meetings (See Section 7, Recommendation 4)**

## Section 7: Safety Management System

### 7.1.4 Accident and Incident Reports

(To be read in conjunction with the comments of Sections 6.3, 6.6) There is adequate evidence that accidents and incidents are reported, but a lack of evidence of their *systematic* inclusion into the SMS, particularly insofar that they are not directly referenced in either Safety Meeting Minutes, Risk Assessments nor updated SOPs. This may be partly as a result of the design of the Accident/Incident reporting form, which does not allow 'closed loop' reporting. A suggested reporting format is attached at Annex A to this document.

**Recommendation 4: Review the process surrounding incorporation of lessons learned from Accidents and Incidents into the SMS by way of Risk Assessment and Safety Meetings so as to produce a seamless 'closed loop' reporting system.**

### 7.1.6 Standards and levels of qualifications for employees and contractors

Job descriptions and roles are well defined, however, there is no overarching document which lays out the required skills and qualifications for each role. It is recommended that a simple Skills Training Matrix is produced which identifies (E)ssential and (D)esirable skills for each post within the organisation.

This document should also cover skills and competencies required of contractors where appropriate, recognising that there is a duty of care to ensure the health and safety of contractors as well as employees - recently exemplified by the 'Flying Phantom' case.

**Recommendation 5: Production of a Skills and Training Matrix**

### 7.2.3 Risk Assessment for provision of A to N

There is no formal Risk Assessment for provision of A to N, nor to identify whether existing A to N are fit-for-purpose. It is recommended that the provision, suitability and serviceability of A to N are considered under a formal Risk Assessment. This may be an activity-based assessment, but must encompass all A to N in a timely manner.

**Recommendation 6: Create Risk Assessments for provision and suitability of A to N where not already in existence.**

### 7.2.9 Provision of reporting deficiencies to MCA

Whilst it is recognised that there are few occasions upon which provision would be required it is nonetheless important that employees are aware that such provision exists and that Authorities have statutory obligations in this regard. This may, for instance be required should it be reported that a passing commercial vessel pollutes the environment.

**Recommendation 7: Generate a SOP which manages reporting of deficiencies to the MCA.**

### Section 8: Powers and Enforcement

The Authority is currently reviewing its Byelaws and has a policy on enforcement and prosecution, which it has exercised in the past.

### Section 9: Pilotage

The Authority does not provide a pilotage service. It considers whether a need exists through the Safety Plan for Marine Operations.

### Section 10: Tugs, Workboats and Marine Services

The Authority operates two workboats and a patrol RIB. Maintenance and operation of these are fully covered in the SMS.

### Section 11: Conservancy

The Authority acts as the Local Lighthouse Authority under the GLA and is audited for performance annually. There were 9 NCNs at the last audit, reflected against a backdrop of a relatively high number of A to N being maintained, some on private property.

#### 11.6 Hydrographic Survey

Bathymetric surveying is performed to IHO standards by external contractors, however, there is no formal risk assessment to inform the frequency or scope of surveys.

**Recommendation 8: Establish a risk assessment to determine the scope and frequency of surveys required.**

#### 12.0 Hydrographic Code of Practice

Published by the IHO, this sets the reference standards for hydrographic survey and should be referenced in the SMS. With Recommendation 8 above, the document informs the risk assessment as to the method of survey which is most appropriate.

**Recommendation 9: Reference the Hydrographic Code of Practice in the SMS, most suitably in the Strategic Plan.**

## Summary of Recommendations:

### **Recommendation 1:**

Update the Duty Holder Responsibility Letters to include individual and collective accountability.

### **Recommendation 2:**

Formally set the Strategic Vision Plan review cycle at three years, (or identify explicitly that the Strategic Vision Plan is the embodiment of the three yearly requirement to assess performance against the PMSC.)

### **Recommendation 3:**

Risk Assessment review and Safety Meetings (See Section 7, Recommendation 4)

### **Recommendation 4:**

Review the process surrounding incorporation of lessons learned from Accidents and Incidents into the SMS by way of Risk Assessment and Safety Meetings so as to produce a seamless 'closed loop' reporting system.

### **Recommendation 5:**

Produce a Skills and Training Matrix for employees and contractors.

### **Recommendation 6:**

Create a Risk Assessment for provision and suitability of A to N

### **Recommendation 7:**

Generate a SOP which manages reporting of vessel deficiencies to the MCA

### **Recommendation 8:**

Establish a Risk Assessment to determine the scope and frequency of hydrographic surveys required.

### **Recommendation 9:**

Reference the Hydrographic Code of Practice in the SMS, most suitably in the Strategic Plan.

## Conclusion

The SMS has grown organically over a number of years and consists of 14 volumes. It is readily apparent that a great deal of care and work has gone into the production and maintenance of this system and it remains very much a live document. The task at hand would be to refine and 'tune' it rather than to go 'back to basics'.

Risks are assessed and part of the output is articulated in safety meetings, however, it is apparent that over time these meetings have become a forum for everyday operations and administration rather than being focused upon safety.

It is recommended that attention is given to formalising safety meetings with a fixed agenda and period so that a true 'closed-loop' system is established. There is evidence that while accidents, incidents and near misses are reported and followed up, there is not necessarily a defined process whereby the findings are systematically incorporated into Risk Assessed SOPs. This is an important part of the working of a robust Safety Management System and will undoubtedly bring together those parts of the system that are at times running parallel to but not interconnected with one another.

Notwithstanding the above, the SMS continues to be an effective tool for Safety Management and the Board may be assured that the Harbour Authority remains thereby compliant with the requirements of the Port Marine Safety Code.

With thanks to the Harbour Master and his staff for their candid assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andy Langford', is written over a light blue rectangular background.

Andy Langford  
Senior Surveyor  
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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