

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	River Hamble Harbour Board
Date of Decision:	29 January 2010
Decision Title:	Harbour Master's Report
Decision Reference:	1215
Report From:	Director of Culture, Communities and Rural Affairs

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1. Executive Summary

- 1.1. This report summarises the incidents and events in the Harbour from 4 December 2009. Any incidents or events which take place after this report is distributed will be the subject of a separate Annex to be distributed at the meeting.

2. Report

- 2.1. The Harbour has been patrolled daily by the duty Harbour Master at various times between the hours of 0800 and 1800.
- 2.2. Incidents which have taken place since the last Harbour Board meeting on 4 December 2009 are set out below.

3. Incidents and events

- 3.1. 5 December. Strong winds 40 knots+ caused a vessel to break its stern line and sustain damage by rubbing against the pontoon. Patrol re-positioned vessel and replaced mooring lines. Owner informed, who then moved the boat to a marina to repair damage.
- 3.2. 7 December. Due to continuous strong winds patrol replaced or re-tied a number of mooring lines and fenders.
- 3.3. 8 December. Sewage outfall from Lobster Quay below Warsash Sailing Club building. Club informed and action was taken immediately.
- 3.4. 8 December. Patrol replaced stern line and springs on vessel moored on the visitors pontoon.

- 3.5. 10 December. Vessel reported to be sitting low in water. Patrol investigated and owner informed. Patrol assisted owner with pumping out vessel.
- 3.6. 14 December. Diesel spill near Harbour Master's Jetty at Warsash. Patrol broke up the spill with prop wash but could not locate where the spill started.
- 3.7. 15 December. Patrol assisted with pumping out a vessel.
- 3.8. 17 December. Patrol noticed parted stern line on vessel. Owner informed.
- 3.9. 18 December. Patrol replaced stern line on vessel as owner had not rectified the problem.
- 3.10.19 December. Call received from Hamble Lifeboat reporting a speedboat travelling at 25 knots up river with 4 persons on board and no lights. Patrol unable to respond due to lone working practices.

4. Port Marine Safety Code compliance audit – 18 December 2009

- 4.1 Compliance with the Port Marine Safety Code was audited on 18 December 2009 by Mark Robinson of Marine Enforcement Ltd. A Certificate of Compliance has been issued, although a number of significant issues were identified by the auditor (Appendix 1). These are being addressed as a matter of priority.

5. Recommendation

- 5.1 That this report be noted.**

20th December 2009

Mr. D Evans
Marine Director and acting Harbour Master
River Hamble Harbour Authority
Shore Road
Warsash
Southampton SO31 9FR

Dear Sir

PORT MARINE SAFETY CODE COMPLIANCE AUDIT 18 December 2009

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

We enclose a Certificate of Compliance confirming compliance with the Code subject to the contents of this report. This should be filed in Volume 4 under Tab 4 of the Safety Management System.

The focus of this audit was directed at the Safety Management System and its effectiveness as a worthwhile management tool. It has been in operation for a considerable time and has grown to approximately 14 Volumes.

Due to various changes in staff, notwithstanding the long-term absence of the Harbourmaster and the temporary appointment of Wendy Stowe as acting Deputy HM, it would seem an appropriate time to have a fresh look at the SMS and associated risk assessments and 'weed out' superfluous and date expired material, whilst using this as a familiarisation exercise for staff new to the concept of the Port Marine Safety Code.

It is of note that a great deal of work will need to be afforded in bringing the SMS up-to-date and whilst, in our opinion and from records presented, safety on the water is not being compromised, uncomfortable scrutiny directed towards the Harbour Authority may well be hard to defend with the SMS and diverse risk assessment methodologies currently in place. The PMSC acts as a shield as well as a sword for the Harbour Authority and a robust SMS is the tool for providing shielding evidence in way of records generated and risk assessments informing procedures and work instructions. A more coherent management system is therefore required.

1. SMS OBSERVATIONS

1.1 Audit report 20 Dec 2007

Out of the 10 observations noted by us on during the above report, 6 were directly related to the SMS and its effectiveness. When we collated all the information after this recent visit, it was noted that the same re-occurring theme was present. Whilst the list is not exhaustive we make the following observations again and hope that it may provide a route map in which to aid the HM and staff in restructuring the SMS.

1.2 Risk Assessments

6 methodologies were discovered for the various risk assessments that have been employed over the years. We accept that the Health and Safety Executive do not assess risk to the ALARP principle and we can further accept that these risks should be held for 'dry-side' operations. However, any operations that have any bearing to safety on the water should be held in a register that employs the ALARP principle, utilising the four standard criteria of Life, Asset, Environment and Reputation. A meaningful discussion is therefore required between the Harbour Office staff and HCC H&S staff to try and produce a system that can overlap harmoniously and capture all hazards to an effective level. The risk assessments need to be simple and the methodology logical so as anyone can follow the flow of the assessment and see the particular risk be driven down towards the ALARP envelope, employing additional control measures as required. There is a plethora of information held in the various assessments for operations on the water and this can be gathered together and be included into a new template, remembering that the matrix is entered only after all the control measures have been accounted for and therefore the resultant risk factor (if not in the ALARP envelope) can be then driven down further with additional risk controlling measures. HMS is still being used to collate data from various incidents and whilst this is a useful tool, the information gathered would be better used if re-circulated into informing legacy risk assessments and generating new ones.

A further procedure will need to be implemented to formally require that MAIB digests be circulated through the HM staff and then be scrutinised to see if any lessons learned can be utilised in RAs held and inform procedures/Work instructions as required.

1.3 Section 7 - Volume 1

Operational responsibilities have all been signed by the substantive HM and we find that many of these tasks can be delegated to the wider community of the HM staff. The list requires re-populating and signing off by the respective staff members assigned with responsibility.

1.4 Notice to River users

These are still held in two separate sections of the SMS namely Vol 14 and section 1 - Vol 4. The list contents are no longer extant as the NTRUs were re-issued in 2008 and some are dated as far back as 2006.

1.5 Index

As part of the SMS re-fresh the main index will need attention as it does not correlate with the volumes held.

1.6 NCNs

The internal NCNs raised are incorrect as they should be raised against the procedures/work instructions that are employed by the HM and his staff. Defective lights, collisions with pontoons, groundings are not Non-conformities; they are incidents and should be recorded as such. Navigation lighting and associated defects are dealt with through the PANAR system. Improvements to the SMS are controlled and formally documented by way of raising an NCN and subsequent closure.

1.7 The constitution of the Harbour Board is recorded incorrectly, and whilst we accept that the website is up-to-date, detailing the Harbour Board members, it should be reflected in the hard copy SMS. The website goes on to also state that the SMS is available for public inspection which is in line with the revised PMSC.

1.8 Staff familiarisation sheets need to be more formalised. Records are still held from previous employees.

2.0 OTHER OBSERVATIONS

2.1 The new requirements of the revised PMSC include an additional requirement to publish a **safety plan** on a 3 yearly basis showing how the standard of the Code will be met together with a report assessing performance against the plan.

Section 3 of the revised PMSC states:-

Publication of plans and reports

3.19. To demonstrate the authority's commitment to maritime safety and ensure the involvement of harbour users, a safety plan for marine operations should be published at least once every three years. The plan should illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. It should commit the authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It should refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of shipping. It should also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

3.20. The duty holder must also publish an assessment of the harbour authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system, should be used to support the analysis and conclusions.

3.21. The form of each authority's plan and report will be for it to determine, so long as it covers properly the requirements of the Code. As a minimum, plans and reports should be published once every three years.

This will require some thought as to how the RHHA is to meet this new requirement and in what form this will take. The HM has made some headway with this new requirement and it is right that he has taken a pro-active lead. We suggest a statement similar to the below as an overarching policy and guidance for the safety plan.

The River Hamble Harbour Authority is committed to discharging all of its statutory duties and to remaining open, accountable and fit for purpose. Its plan to manage the safety of marine operations is to comply with all of the requirements of the Port Marine Safety Code and to follow the guidance in the Guide to Good Practice on Port Marine Operations.

In doing so it will, despite commercial pressures,

- **Take reasonable care so that all who may choose to navigate in the river may do so without danger to their lives or property.**
- **Conserve and promote the safe use of the river.**
- **Have regard to efficiency, economy and safety of marine operations.**
- **Take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the river.**

The Harbour Authority will base its powers and policies on a formal assessment of hazards and risks and it will maintain a formal safety management system which will ensure that all risks are managed so that

they are as low as reasonably practicable. The Harbour Authority will employ and engage competent and qualified staff and contractors. It has appointed an independent Designated Person who will bi-annually audit the Harbour Authority's compliance with the Port Marine Safety Code and who will report directly to the Board. The Designated Person shall assess in his reports the Harbour Authority's performance against its plan of complying with all of the requirements of the Port Marine Safety Code and to following the guidance in the Guide to Good Practice on Port Marine Operations. The reports of the designated person will be published on the Harbour Authority's website.

3.0 NON-CONFORMITIES

The Safety Management System is in need of a complete overhaul and re-fresh and since it was audited 2 years ago little has changed to improve its effectiveness. There were no NCNs to close out from the previous audit

4.0 REPRESENTATION MADE TO DESIGNATED PERSON

1. Michael Sterne 15 Dec 2009 (email - Safety on the River Hamble).

This is being actioned by Marine Enforcement and correspondence prior to being released will be passed through the appropriate channels.

5.0 CONCLUSION

We believe that this is an opportune moment in which to conduct a full re-fresh of the SMS, to update and to make into a worthwhile and robust management tool, informed by a sensible, pragmatic risk register that provides the user with meaningful information as to how safety is being managed on the water. Marine Enforcement are happy to assist and will offer advise as required by the HM and his staff.

We would like to thank you for the time afforded to us whilst conducting this health check.

Yours faithfully

Mark Robinson
For Marine Enforcement