

REPORT TO THE CABINET

17 September 2013

Cabinet Member: Cllr John Wynn Jones

Subject: Marine Safety Code

Contact officer: Llyr Jones, Senior Economy and Community Manager

Decision sought

That the Cabinet updates operational arrangements and accountability for the management duties of the County's harbours in accordance with the Marine Safety Code, including undertaking the functions of 'Duty Holder'.

That a standard constitution is adopted by the current Harbour Consultative Committees, as part of the new arrangements.

Local member's views

Not a local matter.

Introduction

In 2012, central government's Department for Transport published a document, 'Port Marine Safety Code', which updated guidelines that were published originally in 2000.

The Code applies to all harbour authorities in the United Kingdom, and establishes the principle of setting a national standard for port marine safety to promote the safety of those who use or work in ports, ships, passengers and the environment. A copy of the Marine Safety Code is included as Appendix 1.

Gwynedd Council is a statutory Harbour Authority, in accordance with the definition of the Code, for Aberdyfi, Barmouth, Porthmadog and Pwllheli harbours. In addition, Porthmadog Harbour has been designated as a Competent Harbour Authority under the Pilotage Act 1987, although this has no bearing on compliance with the Code.

The Safety Code is intended for all Harbour Authorities that have duties and powers in relation to marine safety. Compliance with the Code is not optional, and Harbour Authorities are expected to work to achieve the agreed standard in their operations.

The Code also refers to specific duties, and the Council's arrangements need to be confirmed in light of changes to its constitution last year.

Reasons for recommending the decision

To ensure that the Council's arrangements comply with the requirements of the Port Marine Safety Code.

Relevant considerations

Brief consideration is given to the main aspects of the Code below:

a) Accountability for Marine Safety

The guidelines on accountability are based on the following principles:

- That a Duty Holder, on behalf of the harbour authority, is accountable for managing operations within the harbour
- Harbour authorities should make a published commitment to comply with the Code
- The Code provides the national standard against which the policies, procedures and the performance of harbour authorities can be measured
- Executive and operational responsibilities should be clearly defined
- A 'Designated Person' must be appointed to provide independent quality assurance of the marine safety systems.

The Code insists that every harbour authority holds itself accountable for discharging its duties and powers in line with the standards set. It also notes that the board members of every authority should accept responsibility for ensuring that the authority discharges its duties and powers to such standards. Duties and powers in relation to the safety of marine activity in any harbour have been entrusted to statutory authorities. The board members, collectively and individually, are responsible for the proper implementation of their authority's statutory duties.

The role of the Duty Holder includes:

- Strategic oversight and direction for the harbour's activities, including marine safety
- Responsibility for developing policies, plans, systems and procedures
- Ensuring that assessments and reviews are undertaken
- Ensuring that the harbour authority enforces regulations, and establishes appropriate financial arrangements

Harbour authorities are entitled to appoint a Harbour Master and to authorise pilots and may properly entrust the operation of the harbour to such professional people; but they cannot transfer their responsibility. Board members cannot delegate their accountability because they do not have particular skills. They must maintain strategic oversight and direction of all aspects of the harbour's operation.

It is fundamental to an effective safety management system that every harbour authority prescribes 'Designated Person' duties to provide independent assurance to the 'Duty Holder' that the safety management system is working effectively, and to examine the authority's compliance with the Code.

It is recommended that the Council adopts the following arrangements:

	Functions of the Code	Proposed Arrangements
i	'Duty Holder'	Council Cabinet
ii	'Designated Person'	Independent Harbour Authority (to be appointed by the Department)
iii	'Chief Officer'	Maritime Service Manager
iv	'Harbour Master'	Harbour Masters that have been appointed within the Maritime Service

It is anticipated that an annual report would be submitted to the Cabinet.

b) Documents

Following the publication of the guidelines originally in 2000, the Council commissioned work to assist with preparing the Gwynedd

Harbours Marine Safety Code Plan. Documents were also produced for Aberdyfi, Barmouth, Porthmadog and Pwllheli Harbours. The Victoria Dock Safety Code is contained within the 'Caernarfon Harbour Safety Code'.

The Council, through a written statement in every harbour, confirms that the Safety Code has been prepared, and that individuals who are interested in the Harbour's work are invited to inspect it.

c) Harbour Committees

The Code notes the need for harbour authorities to ensure appropriate consultation arrangements with parties that are involved in or are likely to be affected by systems or procedures to be adopted.

At present, there is an individual Consultative Committee for Aberdyfi, Barmouth, Porthmadog and Pwllheli harbours. The constitution of Porthmadog Harbour Consultative Committee is statutory (incorporated in the Porthmadog Harbour Order 1998), but there does not appear to be a formal constitution for the other committees. Consequently, it is considered that there is an opportunity to update current arrangements by adopting a standard constitution, thereby confirming the purpose and specific fields of work in accordance with the Code. A standard constitution is included as Appendix 2, aimed at reconciling the arrangements of the current Harbour Consultative Committees.

The current Committees meet twice a year. It is recommended that this arrangement continues, and that information about these meetings is incorporated into the annual report to be presented to the Cabinet.

Next steps and timetable

It is recommended that the proposed arrangements are adopted and become operational immediately.

Views of the statutory officers

Chief Executive:

"The proposals to tidy arrangements and establish standard procedures for all the harbours are indeed very welcomed and I recommend them."

Monitoring Officer:

"I have had the opportunity of discussing the requirements of the Safety Code with the department and I support the recommendations in the report. In addition, the new constitution for the Consultative Committees was discussed at a meeting of the committee chairs. As these committees report to the Cabinet it is appropriate that the Cabinet agrees their constitution and I am satisfied that the proposals meet the legislative requirements."

Head of Finance Department:

"The Economy and Community Department have confirmed that there are no physical budgetary implications on this report, and that they can take appropriate actions (ensuring 'independent designated person') within their existing resources".

Appendices

Appendix 1: Marine Safety Code Document (2012)

Appendix 2: Standard Constitution of Gwynedd's Harbour Consultative Committees