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**Type: Port Marine Safety Code Health Check**

**Port: Gwynedd Council as the Harbour Authority for Porthmadog, Pwllheli, Barmouth and Aberdyfi**

**Purpose: External Visit**


Author:	Date	Signature
Forkanul Quader David Turner	19 & 20 September 2017	

Version History	Date	Remarks
1st Draft	21 September 2017	

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## GLOSSARY

ALARP	As Low as Reasonably Practical
CHA	Competent Harbour Authority
CPD	Continuing Professional Development
DP	Designated Person
HM	Harbourmaster
GTGP	Guide to Good Practice
KPI	Key Performance Indicator
MAIB	Marine Accident Investigation Branch
MPX	Master/Pilot Exchange
PMSC	Port Marine Safety Code
PEC	Pilot Exemption Certificate
MAIB	Marine Accident and Investigation Branch
MSMS	Marine Safety Management System
SHA	Statutory Harbour Authority
VTS	Vessel Traffic Service
LPS	Local Port Services

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## 1. Background

Gwynedd Council is the statutory harbour authority having municipal status for the following harbours – Pwllheli, Porthmadog, Barmouth and Aberdyfi. The ports mainly cater for leisure and fishing activities and are located in the north-west area of Welsh coast adjacent to Cardigan Bay.

Prior to the visit the MCA sent an aide-memoire to the Harbourmaster and requesting comments that corresponded to the PMSC and the relevant section of the port’s Safety Management System. The purpose of this is to assist the MCA with the “Health Check” and forms the basis for further examination during the visit. While the Gwynedd Council has the responsibility of the duty holder, the Maritime and Country Park’s Officer oversees the operational activities along with a team of Harbourmasters.


## 2. Introduction

The Maritime & Coastguard Agency (MCA) conducted a “Health Check” of Gwynedd Harbour Authority Safety Management System which was reviewed to ensure compliance with the requirements of the Port Marine Safety Code (PMSC).

The visit was carried out on the 19<sup>th</sup> and 20<sup>th</sup> September with Porthmadog Harbour office being used as a base for the visit. The team from the MCA was led by Forkanul Quader and David Turner.

The Maritime and Country Park Officer provided facilities for the conduct of the verification process at the Porthmadog harbour office, including access to all necessary documentation.

This report summarises observations made during the visit and is not to be construed as a statement of compliance to all or part of the Code.

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### 3. Scope

The purpose of a “Health Check” visit is to assess whether the port is, on the days in attendance, effectively implementing the PMSC. The PMSC applies to all Harbour Authorities in the UK with statutory powers and duties. The visit is designed to provide advice and to assist the port in implementing the Code and in so doing, to enhance port safety.

This scope of this health check covered the following elements:

1. Port details	Y
2. Designated Person	Y
3. Duty Holders	Y
4. Duties and Powers	Y
5. Consultation and Information Dissemination	Y
6. Risk Assessment	Y
7. Safety Management System	Y
8. Powers and Enforcement	Y
9. Pilotage and Passage Plans	N/A Porthmadog only
10. Tugs, Workboats and Marine Services	Y
11. Conservancy Obligations	Y
12. Directions	Y
13. Training	Y
14. Vessel Traffic Services	N/A
15. Published Documents	Y
16. Final check	Y

Following a visit, the MCA “Health Check” team produce a brief report which summarises examples of enhancements agreed with the harbour authority. This report summarises the areas of enhancements observed during the visit and is not construed as a statement of compliance to all or part of the code.

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#### 4.

##### Overview

Gwynedd Council is the Statutory Harbour Authority (SHA) for four ports - Pwllheli, Porthmadog, Barmouth and Aberdyfi. All of those fall within the provisions of the Port Marine Safety Code (PMSC). The main area of coastal jurisdiction extends from Abergwyngregyn to the east of Bangor through to Victoria Dock at Caernarfon on the Menai Strait and to Aberdyfi in Cardigan Bay. Each Harbour is managed on a day to day basis by the Council's appointed Harbourmaster and each port is technically operated under unitary policies and control by the Council. Porthmadog Harbour has the status of Competent Harbour Authority (CHA) and provides a pilotage service as and when required, although such a service has not been required or requested for many years. Porthmadog is the only harbour with such status within Gwynedd Council and the status of the CHA is under continuous review.

Under Gwynedd Harbour the potential maximum available mooring berths at each port are:


Porthmadog - 238, Pwllheli – 490 (of which 412 are Marina Berths), Barmouth – 140, and Aberdyfi - 120. These are maximum potential mooring possibilities with 2017 mooring boats being Porthmadog - 135, Pwllheli – 490 (of which 306 are Marina Berths and 60 on other moorings), Barmouth – 86, and Aberdyfi - 78.

##### Visit

The visit was carried out on the 19<sup>th</sup> and 20<sup>th</sup> September 2017. The Maritime & Country Park Officer as well as the Senior Harbour Officer and the Harbourmaster (Porthmadog) demonstrated a clear commitment to the PMSC and assured the visiting team they were undertaking necessary steps towards implementing the provisions of PMSC.

Gwynedd attendees during the Health Check were as follows: -

- Mr. Barry Davies – Maritime & Country Park's Officer
- Mr. Arthur Francis Jones – Senior Harbour Officer
- Malcolm Humphreys – Harbourmaster (Porthmadog)
- William Williams – Harbour Manager (Pwllheli - part attendee)
- William Stockford – Harbourmaster (Aberdyfi – part attendee)
- Capt. Mathew Forbes – Designated Person (Conwy Harbourmaster)

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## 4.1 Gwynedd Harbour Findings

### Enhancements

Whilst some specific amendments were identified, in general it was seen that a substantial and well documented approach had been taken towards drawing up a Marine Safety Management System (MSMS), and associated Marine Operation Plan. However, the Health Check team found that vital tasks including internal audit, external audit and correct identification of the Duty Holder remained incomplete. It is worth mentioning here that the Health Check team found observed operational processes to be in good order.

The findings below are associated with comments and observations on the status of the Marine Operational Plan (SMS). The current Marine Operational Plan will need revisiting to align the Marine Safety Management System with the PMSC and GTGP.

The Maritime and Country Park's Officer, Senior Harbour Officer, the relevant Harbourmaster's and the Designated Person agreed that a further health check visit will have to be undertaken by the MCA Health Check team during the next 12 month period.


Several enhancements that would improve Gwynedd Council's implementation of the Code were identified. These are:

### Duty Holder

Currently the Deputy Head of Economy & Community (DHEC) Department is the assumed Duty Holder. The Maritime and Country Park's Officer oversees the operation of all four ports under the DHEC. In accordance with PMSC, a member of the management team or a Board can be the Duty Holder having public accountability for PMSC Code.

It is understood that the current DHEC is the Duty Holder for Gwynedd Harbour Authority (GHA), and is not an Elected Council member and so therefore does not have direct public accountability. While council members can collectively (and individually) sign up to the PMSC, they should consider forming a core committee to take up the responsibility for the Duty Holder or nominate a council member to act as the duty holder. The Duty Holder can then be assisted by the appointed DHEC.

GTGP: 2.2.19, 2.2.23, 2.2.31

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### **Designated Person**

The Harbour Authority has recently appointed a qualified Designated Person. This appointment has not been officially finalised. The DP appointment therefore needs to be formalised by letter to the appointed DP.

GTGP: 2.2.25

### **MSMS**

The Harbour Authority has opted to use Marine Operations Plan as their MSMS. The document needs to be reviewed to reflect the correct roles and responsibilities of the duty holder. The Current Operation Plan also needs to be formalised into a MSMS. The Harbour Authority can use a common MSMS and each port can then develop risk based system to address port specific operational risks.

GTGP: 4.1.3, 5.1.5

### **Internal Audits**

No record was found of any internal audits. Internal audits should be carried out at least once a year.

GTGP: 5.1.1

### **DP Audit**

There were no records of any audits being carried out by the DP in accordance with GTGP section 2.2.30. There was no evidence of any report being submitted to the Duty Holder or to the governing body. The DP should submit a monitoring report to the Duty Holder and to the management board.

GTGP: 2.2.30

### **External Audit**


No record was found of any external audit. External audits should be carried out at regular intervals.

GTGP: 5.1.1

### **Safety Plan**

Gwynedd Harbour Authority (GHA) should consider publishing a 3 yearly Safety Plan in accordance with PMSC showing how the standards will be met.

GTGP: 2.2

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**Conservancy:** GLA/Trinity House

GHA should obtain a letter from GLA/Trinity House once all outstanding conservancy works have been carried out. GTGP: 7.5.5

**PMSC Compliance**

When content that they comply with the PMSC GHA should send a letter to the MCA. This has not been done since 2013.

PMSC: 2.31 GTGP: 2.12

**CHA Status**

GHA should review their CHA status to see whether CHA status is required with full compliance. GTGP: 9.2

**H&S**

GHA to review current H&S inspection status to cover marine as well as associated pier activities. GTGP: 6.6

**Training Matrix**

It was agreed that the compilation of a staff training matrix and associated training plan would be beneficial and therefore needs to be completed.


GTGP: 12.2.1

**Pwllheli Harbour silting**

It was observed that the approach channel into the harbour continues to silt up. This has significantly reduced the width of available water in the most critical area of the harbour approaches. The limiting factors preventing adequate dredging should therefore be addressed.

GTGP: 7.4.2



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## **BEST PRACTICES**

### **Consultation**

The incorporation of the Aberdyfi commercial fishing sector into harbour consultative committee meetings was a positive step forward and the availability of EFF funded Mullion PFDs for local fishermen should be explored further.

### **Marine Facilities**

The facilities at Porthmadog were comprehensive and accompanied by well-structured checklists and procedures. Of particular note were the anchoring weights made from concrete and fitted inside tyres which could be wheeled into place.

### **Risk assessment**

All the ports visited maintained well-structured risk assessments.


## **5. Conclusion**

It was evident that; the Maritime and Country Park's Officer has made a lot of effort in preparing the newly developed MSMS and associated procedures. The document appears to broadly reflect current practices.

The priority now is to start a review of the current Safety Management System and the Operational Plan to formally operate and regulate marine activities under the SMS. This is vital in moving towards PMSC compliance as the principles of the SMS do not currently appear to have been followed through.

It is therefore the intention of the MCA to conduct a further health check within 12 months to verify that the SMS and its associated procedures are functioning and regulating harbour activities effectively. That would help provide assurance that the harbour is compliant with the PMSC. A suggested core committee of Duty Holder and the Council members should therefore be ready to recognise their roles and responsibilities under the PMSC and provide the senior level staff with the appropriate support and resources to finish off the good work which has already been initiated.

The Gwynedd Council as the Duty Holder should also recognise that whilst the Harbour Authority is presently not fully compliant, the Council Members collectively

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and possibly remain particularly exposed to liabilities from any incidents of negligence which may occur within the harbour.

## 6. Harbour Authority Comment

All Gwynedd Council Officers that were involved with the work undertaken by the Health Check team whom were acting on behalf of the MCA fully appreciated the positive and constructive method used to undertake the health check. The professional, informative and courteous approach taken by the Health Check team was fully appreciated.


The Maritime and Country Parks Unit has demonstrated compliance with the principles of the PMSC since its introduction and has taken appropriate action to ensure compliance within the code's main principles.

The positive comments and suggested enhancements provided by the Health Check team will be actioned accordingly and are to be implemented before the visit scheduled for October/November 2018.

The Maritime and Country Parks Unit recognises the potential that Gwynedd Council Members possibly remain exposed to liabilities from potential incidents and a defined Duty Holder is to be considered and established if such procedures is permitted.

However, it is emphasised that all harbour staff are suitably trained and qualified in Health & Safety processes. A procedure is already in existence to identify all potential risks within the harbours under the jurisdiction of the service. Action in accordance with the ALARP principle has, and will continue to be taken, to ensure that all identified risks remain as low as is reasonably practicable in order to eliminate any such exposure.

Through a consultative process, Gwynedd Council as a responsible Local Authority, ensures that the harbours under its jurisdiction are provided with a high level of administrative support and service. This is required to ensure that the Harbour Consultative Committees for each individual harbour, function in accordance with the expectations of the communities they serve.

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The Harbour Consultative Committee meetings are held twice annually at Aberdyfi, Barmouth, Porthmadog and Pwllheli. They are essential to the service. Members are fully conversant with the contents of the Port Marine Safety Code and the subject matter is a primary agenda item at each Committee meeting.

This ensures that the Council receives feedback on all matters relating to harbour operations under the remit of the Port Marine Safety Code. Having a wide range of local representatives elected on each Consultative Committee ensures that the Council is provided with a broad range of expertise from across the marine industry and the marine leisure and fishing community.

The observation conveyed by the Heath Check team identified that currently the Deputy Head of Economy & Community (DHEC) Department is the assumed Duty Holder with the Maritime and Country Park's Officer overseeing the operation of all four ports under the jurisdiction of Gwynedd Council.

Whilst the DHEC is the senior line manager for the service the Council Board (previously identified as the Council Cabinet) had previously been identified as the collective Duty Holder for the PMSC within Gwynedd.

The DHEC is the Duty Holder for Gwynedd Harbour Authority (GHA), and is not an Elected Council member and so therefore, as noted by the Health Check team, possibly does not have direct public accountability.

The Maritime and Country Park's Officer will ensure that this matter regarding the DH is clarified and confirmed as a matter of urgency.

We are of the collective conclusion that despite earlier apprehension the Health Check was of great benefit to the Maritime and Country Park's Unit and the service looks forward to regular dialogue with the Health Check team on matters relating to the PMSC for Gwynedd and look forward to the Health Check review in October/November 2018 where we envisage that the issues raised by the health Check team will have been addressed.