



DORSET COUNCIL

## DORSET HARBOURS PORT MARINE SAFETY CODE AUDITS 2019: WEYMOUTH



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**MARINE AND RISK CONSULTANTS LTD**

## DORSET COUNCIL

# DORSET HARBOURS PORT MARINE SAFETY CODE AUDITS 2019: WEYMOUTH

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## EXECUTIVE SUMMARY

A benchmark PMSC audit was undertaken by the Designated Person (DP), William Heaps, and Paul Brown of Marico Marine on the Marine Safety Management System of Weymouth on 30 October 2019. The auditee was the Harbour Master Keith Howorth.

From the evidence seen during audit, it is the opinion of the auditor that Weymouth Harbour is compliant with the requirements of the Port Marine Safety Code. A number of improvement opportunities were identified and are summarised below.

Key findings of the benchmark audit are:

- It is recommended that a very short paragraph explaining the provenance of the authority for the Harbour Master to issue special directions be included in paragraph 3.7 of the Operations Plan Safety Management System (OPSMS);
- It is recommended that a summary of the harbours enforcement policy be included as a short paragraph in the OPSMS;
- Continued training for Harbours Committee members is considered to be critically important for them to be able to effectively support, guide and direct the Harbour Master(s), especially noting that the Harbour Committee is newly formed and contains members with a limited marine background. Therefore, the current training regime should be maintained;
- The level and quality of assurance provided by an independent but remote DP relies on a regular flow of unedited information from the Harbour Master as well as other sources.
- The next mandatory PMSC compliance reporting date to the MCA is 31 March 2021, allowing plenty of time for a considered and time framed plan to be prepared to incorporate and develop improvements to the OPSMS;
- The Harbour Consultative Group is not offered any council administration support during meetings and thus the Harbour Master is obliged to take and produce the minutes from each meeting himself;
- The Duty Holder should produce a strategic overarching chronological plan which sits above the MSMS against which to measure and report their performance;
- A root and branch review of the marine hazards and the subsequent Navigation Risk Assessment (NRA) is considered good practice every 5 years. This will enable the ranking of the hazards by score and ensure that the Duty Holder is briefed at least annually on the top risks and what is being done to mitigate them;
- Retain the present NRA review regime, this represents good practice;

- It is recommended that an incident database is established at the earliest opportunity and, if possible, back dated incorporating the most serious or significant incidents in the harbour from at least the last year. The scope of this database can vary from a basic Excel spreadsheet to a more sophisticated commercially purchased reporting system which allows data and trend analysis. A basic minimum will suffice at present but there must be a function where incidents are formally recorded, analysed and processed by the Harbour Authority;
- It is recommended that the reporting system be extended to include a near miss function, but it is recognised this will require a significant culture shift for employees and from the Harbour Authority to encourage open or anonymous reporting without any concern about blame apportionment;
- The new reporting system will need to track the entire incident investigation process and evidence the induction of the lessons learned or identified into the MSMS;
- Links to the county and regional emergency plans could be included on the Harbour Website in the 'Applications, Policies / Management Document' section;
- It is recommended that a record of past and planned emergency response exercises is kept;
- It is recommended that a formal policy and method for mitigating the lack of currency of pilots, crew and equipment is discussed and explicitly stated in the OPSMS and in the next review of pilotage directions. Specifically, the Duty Holder must understand and endorse the present pragmatic policy of using pilots from other districts;
- Similarly, it is recommended that a record of training and pilotage equipment maintenance and regular function testing is introduced in support of the policy above;
- The OPSMS ought to state the level of delegation (if any) of the powers that are specifically and exclusively vested in the office of the appointed Harbour Master;
- It is common practice in most ports for the deputy HMs or named or suitably qualified / experienced berthing officers to be granted delegation of these powers so that the HM does not become a single point of failure in case of absence or holiday or sickness; and
- The occasions for delegation can be described clearly in the OPSMS so there is no likelihood of inappropriate use of authority or decision paralysis in the event of the absence / unavailability of the HM.

## CONTENTS

Executive Summary.....	2
Contents.....	4
Introduction .....	5
1 The Legal Background.....	6
1.1 Comments .....	8
2 Accountability for Marine Safety.....	9
2.1 Comments .....	11
3 Consultation and Communication .....	12
3.1 Comments .....	13
4 Risk Assessment.....	14
4.1 Comments .....	16
5 Marine Safety Management System .....	17
5.1 Comments .....	18
6 Emergency Preparedness and Response.....	20
6.1 Comments .....	20
7 Conservancy.....	22
7.1 Comments .....	24
8 Management of Navigation.....	25
8.1 Comments .....	26
9 Pilotage .....	27
9.1 Comments .....	29
10 Ship Towage Operations.....	30
10.1 Comments .....	31
11 Marine Services .....	32
11.1 Comments .....	33
12 Professional Qualifications and Competencies for Port marine Personnel .....	34
12.1 Comments .....	35
13 Accident Reporting & Investigation and Enforcement.....	36
13.1 Comments .....	37

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## INTRODUCTION

Dorset Council has appointed Marine and Risk Consultants Limited (Marico Marine) to provide Designated Person (DP) services to the Ports of Lyme Regis, Bridport and Weymouth as required by the Port Marine Safety Code (PMSC). On 1 October 2019 a three-year contract commenced, and from that date William Heaps of Marico Marine formally assumed the role of named designated person for the three ports.

During negotiations to provide DP services William Heaps visited the Harbour Master of Weymouth and the previous DP to agree the format of services to be provided during the new contract. It was agreed that it would be useful to carry out a benchmark audit of all of the Ports' PMSC compliance, as an assurance to the Council, and to enable William to gain a full understanding of the current status of the Marine Safety Management System. It was further agreed that the findings of the audit would provide the basis of the Designated Person's first report to the Council.

This document forms the report of audit, which reviewed all aspects of PMSC Compliance, using the 13 sections of the Guide to Good Practice, to ensure all areas required for compliance are reviewed in detail.

This audit was undertaken on 31 October 2019 at the Harbour Office in Weymouth; the majority of the day was spent working through the audit checklist (Sections 1 – 13 of this report) with the Harbour Master, Keith Howorth.

From the evidence seen during audit, it is the opinion of the auditor that Weymouth Harbour is compliant with the requirements of the Port Marine Safety Code.

However, a number of improvement opportunities were identified and are highlighted in the comments in each section of this report.

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## 1 THE LEGAL BACKGROUND

The duties of a harbour authority are of three kinds: statutory duties imposed either in the local legislation for that authority or in general legislation, general common-law and fiduciary duties.

The Code includes a brief general summary of the main duties and powers that are common to many harbour authorities in relation to marine operations. It also contains guidance as to how some of these duties and powers should be exercised consistent with good practice.

There are several general principles:

- A harbour authority has statutory and non-statutory duties;
- These duties include an obligation to conserve and facilitate the safe use of the harbour; and a duty of care against loss caused by the authority's negligence;
- Duties to ensure the safety of marine operations are matched with general and specific powers to enable the authority to discharge these duties; and
- There are procedures for these to be changed where necessary.

Some duties, and each harbour authority's powers, are contained in local Acts and Orders, and, although they have much in common, the detail varies from port to port. Most are established by the incorporation or transposition into local Acts and Orders of model provisions in the Harbours, Docks and Piers Clauses Act 1847. Other duties and powers are in general legislation - for example, the Harbours Act 1964, the Dangerous Vessels Act 1985, the Pilotage Act 1987 and the Merchant Shipping Act 1995.

The duty holder is responsible for ensuring that the organisation complies with the Code. In order to effectively undertake this role they should:

- Be aware of the organisation's powers and duties related to marine safety;
- Ensure that a suitable Marine Safety Management System (MSMS), which employs formal safety assessment techniques, is in place;
- Appoint a suitable designated person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;
- Appoint competent people to manage marine safety;
- Ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set; and
- Report compliance with the Code to the MCA every 3 years.

Existing powers should be reviewed on a periodic basis by harbour authorities, to avoid a failure in discharging its duties or risk exceeding its powers.

1	GtGP	PMSC		Y/N	Comment
.1	1.5-1.6	1.3 -1.5	Is the legislation applicable to the harbour authority known and listed?	Y	Sections 3.5 and 3.6 of the Weymouth Harbour Operations Plan and Safety Management System document*
.2	1.3-1.4	3.11	Are the statutory duties and powers of the harbour effective for purpose?	N	But an HRO has been written and submitted to DfT / MMO to give the Harbour Authority powers to make General Directions. The progress of the HRO was unconfirmed but was reported as 'expected by the end of 2019.'
.3	1.6.1	3.11	Are the harbour limits of jurisdiction appropriate to the current activity of the port?	Y	
.4	5.1.9	E.S. 2-5	Is the Harbour Authority aware of all marine berths, terminals and jetties within the SHA and listed in the SMS?	Y	
.5	1.6.2	4.2	Is the Harbour Master familiar with and does he understand the extent of his legal powers?	Y	As per paragraph 2; an HRO is in progress to expand the powers of the Harbour Authority to issue General Directions. A comprehensive report has been produced by Ashfords LLP (unseen by auditors) – analysing the legal powers of the HM in Weymouth and used as the backbone of the HRO.
.6	1.9.7	4.3 -4.4	Does the harbour have Byelaws?	Y	As per para 3.6 of the OPSMS.
.7	1.6.1	2.3-2.6 3.11	Is the legislation reviewed regularly to determine if fit for purpose and adequately covers risks identified?	Y	HRO process triggered by HM.

1	GtGP	PMSC		Y/N	Comment
.8	1.8	4.6-4.7	Does the harbour authority have powers of Special Directions?	Y?	It almost certainly does through the 1887 and later enabling Acts, but this is not expanded in the OPSMS. Recommend including in paragraph 3.7.
.9	1.9	4.8-4.9	Does the harbour authority have powers of General Direction / Harbour Directions?	N	No, HRO submitted to gain this authority.
.10	1.9.4	3.13	Are there grounds for applying for a Harbour Revision Order?	Y	As above – HRO submitted.
.11	1.9.11		Does the harbour authority issue licences (e.g. port craft, local watermen or works etc.)?	Y	Licences for commercial operators - Harbour rowing boat ferry, SUP hire, RHIBS rides etc.
.12	1.9.12	2.25	Is a clear enforcement policy in existence, clearly promulgated and adequately resourced?	N	Not clearly stated – Weymouth could use and copy best practice from the Bridport and Lyme Policy Rules and Regulations booklet – section 9. Recommend inclusion at the next OPSMS update.

## 1.1 COMMENTS

It is clear that Weymouth Harbour, as guided by the present Harbour Master, has a firm grasp of the legal status and requirements for running the port efficiently and safely. The engagement of Ashfords LLP to lead the way for the submission of an HRO to gain powers to issue General Directions was prudent and, once gained, the HRO should considerably assist and empower the HM and Duty Holder.

The following additional points are offered for consideration:

- It is recommended that a very short paragraph explaining the provenance of the authority for the HM to issue special directions be included in paragraph 3.7 of the OPSMS and;
- It is recommended that the harbours enforcement policy be included in a short paragraph in the OPSMS.

\* References to Operations Plan and Safety Management System (OPSMS) are to the July 2019 version of the Port of Weymouth Plan.

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## 2 ACCOUNTABILITY FOR MARINE SAFETY

This section identifies who is accountable for marine safety and is based on the following general principles:

- The duty holder is accountable for safe and efficient marine operations;
- An organisation has a range of statutory and non-statutory duties;
- The Code represents the national standard against which the policies, procedures and performance of organisations may be measured;
- Organisations should make a clear, published commitment to comply with the standards laid down in the Code;
- Executive and operational responsibilities for marine safety must be clearly assigned, and those entrusted with these responsibilities must be appropriately trained, experienced and qualified to undertake their duties and be answerable for their performance; and
- A designated person must be appointed to provide independent assurance about the operation of an organisation's marine safety management system. The designated person must have direct access to the duty holder.

The key to effective discharge of the functions described in the Code is the development and proper operation of a MSMS for marine operations. That, in turn, depends upon a clear assignment of relevant executive and operational responsibilities to the organisation's staff.

2	GtGP	PMSC		Y/N	Comment
.1	2.1.1	1.6-1.8	Is the duty holder defined and published?	Y	Section 3.3 of OPSMS. Also part of Dorset Council constitution
.2	2.2	1.1	Has the organisation published a commitment to comply with standards laid down in the Code?	Y	Through OPSMS which is published.
.3	2.2.5	1.1 1.13- 1.17	Are the executive and operational duties stated and assigned?	Y	Very clearly; in Annex 1 of the 'Roles and Responsibilities' section of the OPSMS.
.4	2.2.19	1.6-1.10	Does the duty holder have an understanding of port marine activities, MSMS and supporting policies and procedures?	Y	But noted that most of the newly formed Harbours Committee are very new to the role. Induction training has been conducted by the HM and the education process should continue.
.5	2.2.22, 2.2.23	1.2	Do new Duty Holders receive PMSC training as part of their induction?	Y	PMSC training is mandatory to allow Councillors to sit on the committee.
.6	2.2.20	1.9, 1.14- 1.15	Has a Harbour Master been appointed?	Y	
.7	2.1.1, 2.2.21 2.2.25- 38	1.11- 1.12	Has a designated person (DP) been appointed?	Y	William Heaps. Marico Marine
.8	2.1.21 2.2.26	1.11	Does the DP have sufficient independence?	Y	DP is an external consultant and so by definition is independent.

2	GtGP	PMSC		Y/N	Comment
.9	2.2.25	1.11	Does the DP have direct access to the Duty Holder?	Y/N	At the time of writing, the structure to allow direct access is being formalised. Direct access is assumed through phone, emails and DP presence at one committee meeting per year – with written reports at the other meetings.
.10	2.2.26 – 38, 2.2.30	1.11	Does the DP provide an effective level of assurance, through assessment and audit to the Duty Holder?	Y	Assured through a formally contracted scope of services.
.11		1.8, 2.30, 2.31	Has the Duty Holder sent a letter of Code compliance to the MCA within the last three years?	Y	Yes, although not seen.

## 2.1 COMMENTS

The first impression is that there is a well-established structure for the delivery of effective marine safety in Weymouth Harbour. The following additional points are offered for consideration:

- Continued training for Harbour Committee members is considered to be critically important for them to be able to effectively support, guide and direct the Harbour Master(s), especially noting that the Harbour Committee is newly formed and contains members with a limited marine background. Therefore the current training regime should be maintained;
- The level and quality of assurance provided by an independent but remote DP relies on a regular flow of unedited information from the Harbour Master as well as other sources; and
- The next mandatory PMSC compliance reporting date to the MCA is 31 March 2021 allowing plenty of time for a considered and time framed plan to be developed to incorporate and develop improvements to the OPSMS.

### 3 CONSULTATION AND COMMUNICATION

Harbour authorities should consult, as appropriate, those likely to be involved in or affected by the MSMS adopted. This opportunity should be taken to develop a consensus about safe navigation in the harbour.

Consultation takes various forms. There are some specific statutory obligations which should form the basis for general consultation with users and other interests. There should also be established formal procedures for consulting employees – including, in the case of Marine Operations, any person not directly employed, but who offers their contractual services, either directly to the port, or indirectly through the ship-owner or their local representative.

3	GtGP	PMSC		Y/N	Comment
.1	3.1.2, 3.2.1-5	2.17, 2.29	Does the organisation consult appropriate stakeholders involved with or affected by the MSMS?	Y	The Harbour Consultative Group is made up of 12 independently nominated members including 2 Councillors. The Chairman of the Group is elected by the group.
.2	3.2.2, 3.2.3	3.13, 4.9	Does the harbour have any outstanding consultations for statutory procedures (HRO or Byelaw updates)?	N	The formal consultation for the present HRO is complete.
.3	3.2.6 3.2.7	2.17, 4.8-4.9	Have users been consulted on any new General, Harbour or Pilotage Directions?	Y	
.4	3.2.10-11		Has the organisation established stakeholder advisory or consultative committees?	N	Not in addition to the group described in 1 above.
.5	3.2.12	2.17	Are plans, reports, information and/or advice affected by or affecting harbour users communicated effectively to them?	Y	Council website, meetings, NTMs, notice boards.

3	GtGP	PMSC		Y/N	Comment
.6	5.1.1, 5.1.12	2.26- 2.28	Does the organisation have a Marine Safety Management Plan and routinely publish an assessment of their performance against the plan?	Y	There is an effective MSMS plan in place but no mechanism to measure and report performance of the Harbour Authority against the plan. Audits such as this produce a useful 'to do' list from which the Duty Holder should consider producing a strategic overarching chronological plan which sits above the MSMS against which to measure and report their performance. This should remain the purview of the Duty Holder supported by the Harbour Master.
.7	3.1.4, 5.1.6	2.17	Does a communication channel exist with employees / contractors affected by the MSMS?	Y	Emails and NTMs externally and there is a full marine team meeting every two weeks.
.8	3.2.12	2.28	Does the organisation utilise web sites to publish marine procedures and reports?	Y	Council website.

### 3.1 COMMENTS

The following additional points are offered for consideration:

- The Harbour Consultative Group is not offered any Council administration support during meetings and thus the Harbour Master is obliged to record and produce the minutes from each meeting himself; and
- The Duty Holder should produce a strategic overarching chronological plan which sits above the MSMS against which to measure and report their performance.

## 4 RISK ASSESSMENT

The risks associated with marine operations need to be assessed and a means of controlling them needs to be deployed. The aim of this process is to eliminate the risk or, failing that, to reduce risks as low as reasonably practicable. Formal risk assessments should be used to:

- Identify hazards and analyse risks;
- Assess those risks against an appropriate standard of acceptability; and
- Where appropriate, consider a cost-benefit assessment of risk-reduction measures.

The process of assessment is continuous so that both new hazards to navigation and marine operations and changed risks are properly identified and addressed. Where appropriate, organisations should publish details of their risk assessments. Risk assessments should be reviewed on a planned periodic basis.

4	GtGP	PMSC		Y/N	Comment
.1	4.1.1	2.7-2.11	Has a formal navigation risk assessment (NRA) been carried out for the organisation?	Y	It is fit for purpose and fulfils the requirements of the PMSC. As a part of the strategic plan the conduct of a root and branch 'fresh look' hazard review and subsequent NRA is considered good practice at least every 5 years.
.2	4.2	2.1, 2.7	Does the NRA address all marine hazards? Hazards should include; collision, contact, grounding, and foundering within the port area, identifying key vessel types?	Y	See above.
.3	4.2.23	2.7, 2.12	Have risk controls been properly applied?	Y	
.3	4.2.28	2.8	Has the NRA been carried out by suitably qualified people?	Y	
.4	4.1.5	2.11	Have stakeholders been consulted on existing or new risk assessments?	Y	

4	GtGP	PMSC		Y/N	Comment
.5	4.2.5	2.9-2.11	Is the NRA routinely and regularly reviewed so that new hazards and “changed risks” are identified and addressed?	Y	Regular NRA reviews and subsequent updates to reflect events and changing circumstances were evidenced at audit. This is considered to be a best practice standard bearer.
.6	4.3	2.9	Does the NRA process allow for special circumstances (e.g. “Dynamic RA” for an unusual operation or event)?	Y	But not evidenced at audit.
.7	4.2.6	2.10, 2.21	Is any review process of the NRA inclusive of input from accident/incident investigations either internal or external (e.g. MAIB)?	Y/N	Not formally, but HM reads and digests MAIB reports. Relevant information is published on the website, through NTMs and internally through team meetings.
.8	4.1.6	2.9	Is the NRA available to those they affect?	N	‘Document 2’ (the NRA) is not published on the website but is available to harbour staff or anybody who wishes to see or discuss it.
.9	3.3.		Are other port user risk assessments (e.g. towage and line handling etc.) taken into account?	Y	Through the Harbour Group liaison committee on which the HM sits.
.10	4.2.7	2.7-2.11	Does the NRA output rank hazards by risk score?	N	At present risks are grouped by their colour code but are not ranked by score.
	4.2.7		Is the Duty Holder aware of the top risks?	N	Not specifically – all are aware of the NRA but ranking risks numerically in order to illustrate to the ‘top risks’ to the Duty Holder should be a future head mark for the HM.

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#### 4.1 COMMENTS

The present NRA is fit for purpose and shows examples of best practice in regular reviews and updates by the HM in response to circumstance. Going forward the following additional points are offered for consideration:

- A root and branch review of the marine hazards and the subsequent NRA is considered good practice every 5 years. This can be incorporated as a goal into the strategic overarching chronological plan;
- Rank the hazards by score and then ensure the Duty Holder is briefed at least annually on the tops risks and what is being done to mitigate them; and
- Retain the present NRA review regime, this represents good practice.

## 5 MARINE SAFETY MANAGEMENT SYSTEM

The Code relies upon the principle that all harbour authorities will base their policies, and procedures relating to marine operations, on a formal assessment of hazards and risks to marine operations. They should maintain a formal navigational MSMS developed from that risk assessment and any subsequent supporting risk assessments deemed necessary as the MSMS develops and evolves over time and as a result of changing trade and port usage.

The aim of a MSMS is to minimise risks. Risk assessment methods are used to decide on priorities and to set objectives for eliminating hazards and reducing risks. Wherever possible, risks are eliminated through selection and design of facilities, equipment and procedures. If risks cannot be eliminated, they are minimised by physical controls, or as a last resort, through systems of work. Performance standards are established and used for measuring achievement. Specific actions to promote a positive safety culture are identified.

The formal risk assessment of the port's marine activities (routine and non-routine) is a documented, structured and systematic process comprising:

- The identification and analysis of hazards;
- An assessment of these hazards against an appropriate standard of acceptability; and

A cost-benefit assessment of risk reducing measures where appropriate.

5	GtGP	PMSC		Y/N	Comment
.1	5	2.12	Is there a documented MSMS?	Y	OPSMS and supporting documents on the website.
.2	5.1.10	1.2, 2.12- 2.18	Does the MSMS contain or refer to procedures to cover the major aspects of marine safety within the port? -	Y	OPSMS sections 3.1 & 3.9
	5.1.5, 5.1.6		Policy statements: Code compliance, Navigation, Pilotage, Marine Conservancy, Environmental, Enforcement and Prosecution.	Y/N	Policy statements are scattered through the OPSMS; it is suggested that it would be better to bring all policies together into one section (3.9) of the OPSMS.
	Annex A		National and local legislation;	Y	OPSMS
	5.1.11		Control of ship movements;	Y	OPSMS section 3.26
	5.1.11		Environmental impact;	Y	OPSMS

5	GtGP	PMSC		Y/N	Comment
	2.2.9		Prevent acts or omissions that may cause personal injury to employees or others;	Y	Section 3.14 of the OPSMS.
	5.1.9		Roles and responsibilities of key personnel;	Y	OPSMS Annex 1.
	5.1.11		Marine safety procedures;	Y	
	5.1.12		Incident and near miss recording and analysis;	Y/N	Recorded by HM and Berthing Officers in Day log or Incident Book. No formal summary of incidents and near misses kept nor recorded analysis.
	6.1.1		Emergency plans;	Y	In OPSMS.
	12.2.1, 12.11		Qualifications, recruitment and training;	Y	In OPSMS section 3.11.
.3	5.1.12	2.14	Does the MSMS contain a procedure for measuring performance including a database to record incidents and near misses?	Y/N	KPIs are mentioned, but no formal incident recording – see comments below.
.4	5.1.13	2.14	Does the MSMS include processes for effective (annual) internal audit, review of procedures and external audit?	Y	
.5	4.2.5	2.10	Does the MSMS review process include risk assessment review and are lessons learnt applied to relevant procedures?	Y	More detail required – see below.
.6	5		Is the MSMS user friendly?	Y	Well laid out and accessible document.

## 5.1 COMMENTS

The Weymouth Harbour marine safety management system is well established and shows evidence of review. The following points are offered for further consideration:

- A mature and effective MSMS relies on a feedback loop where when an incident occurs, assessed by a competent person and recorded in an incident database, investigated at the appropriate level, reported on, recommendations made which are then incorporated into the SMS and then formally closed off;
- It is recommended that an incident database is established at the earliest opportunity and, if possible, back dated incorporating the most serious or significant incidents in

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the harbour from at least the last year. The scope of this database can vary from a basic Excel spreadsheet to a more sophisticated commercially purchased reporting system which allows data and trend analysis. A basic minimum will suffice at present but there must be a system where incidents are formally recorded (separately from the daily log book) and then analysed and processed by the Harbour Authority in accordance with the first bullet;

- It is recommended that the reporting system be extended to include a near miss function, but it is recognised this will require a significant culture shift for employees and from the Harbour authority to encourage open or anonymous reporting without any concern about blame apportionment;
- The reporting system will need to track the entire incident investigation process and, most importantly, evidence the induction of the lessons learned or identified into the MSMS; and
- Please also see section 13 of this document.

## 6 EMERGENCY PREPAREDNESS AND RESPONSE

The Code states that a MSMS should refer to emergency plans - and these should be developed as far as practicable, based on the formal risk assessment. Emergency plans need to be published and exercised.

Factors to be considered can range from designating emergency anchorages and potential beaching points for vessels to considering the effects of a lock gate failure or impounding pump breakdown. The emergency might be a fishing vessel suffering from a flooding engine room to a yacht catching fire. Whatever the situation, by taking a planned approach, evaluating the effectiveness of such a plan and modifying the plan when necessary, you will not only reduce the impact of potential problems, you will also be cost effective.

6	GtGP	PMSC		Y/N	Comment
.1		2.14,3.9	Does the organisation have emergency plans for:		
	6		Marine operations;	Y	In paragraph 5.3 of the OPSMS.
	6.4		Pollution (MCA);	Y	MCA Approved plan – Adler and Allan dated January 2019.
	6.2.5		Explosives (HSE).	N	Not required
.2	5	2.14	Are emergency plans included in or referred to in the SMS?	Y	
.3	6.1.2	3.9	Is the organisation included in larger national or regional plans?	Y	Through Dorset Council plans; 4.4.
.4	6.8.13		Does the organisation have a published exercise programme and carried out exercises?	Y	Participants are informed directly or through NTMs. No record of exercises past or planned seen at audit.
.5	6.2 6.3		Does the SMS address the handling of dangerous or polluting cargoes/substances?	Y	No cargoes handled – but dormant plan retained; 3.19.

### 6.1 COMMENTS

As a Municipal Port, Weymouth Harbour will sit under and within the wider Council and regional plans which were not seen at audit. The waste management and oil spill contingency plans are in date, examined and approved by the MCA. The following points are offered for further consideration:

- 
- Links to the county and regional emergency plans could be included on the Harbour Website in the 'Applications, Policies / Management Document' section; and
  - It is recommended that a record of past and planned emergency response exercises is kept (in addition to the recorded log of past Oil Spill Training and Exercises).

## 7 CONSERVANCY

A harbour authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely.

Harbour authorities should provide users of the harbour with enough information about conditions in the harbour such as depths of water, local Notices to Mariners, etc.

Harbour authorities have duties and powers as local lighthouse authorities (or providers of local aids to navigation); and specific powers in relation to wrecks.

The duties described above cover specific requirements as detailed below:

- To survey as regularly as necessary and find the best navigable channels;
- To place and maintain navigation marks where they will be of the best use to navigations;
- To keep a 'vigilant watch' for any changes in the sea or riverbed affecting the channel or channels and move or renew navigation marks as appropriate;
- To keep proper hydrographic and hydrological records;
- To ensure that hydrographic information is published in a timely manner; and
- To provide regular returns and other information about the authorities' local aids to navigation as the General Lighthouse Authority may require.

7	GtGP	PMSC		Y/N	Comment
.1	7.1.1	3.6	Does the harbour authority understand its conservancy duties?	Y	OPSMS and HM understanding.
.2	7.2	3.6-3.7	Does the harbour authority: Carry out regular hydrographic surveys;	Y	Yearly by Shoreline Surveys Ltd.
	7.2.15		Maintain navigation marks in optimum position;	Y	
	7.2.17		Monitor changes in the sea or riverbed;	Y	Interim checks using own boats, and reports from users, especially pilots and fishermen.
	7.3		Keep proper hydrographic and hydrological records.	Y	Charts kept, daily logs note metocean data, access to Channel Coastal Observatory recording station

7	GtGP	PMSC		Y/N	Comment
.3	7.3.3	3.6-3.7	Does the harbour authority take action on, and promulgate the results of surveys (including to the UKHO)?	Y	Shoreline Surveys Ltd reports results to the UKHO. A formal procedure for more widely reporting survey results should be recorded at paragraph 6.1.5.
.4	7.1A, 7.1.1	3.6	Does the Harbour Authority have procedures for ensuring NAABSA berths are safe?	N/A	
.5	(7.3.3, 7.3.4), 3.2.13	3.6, 4.23, 4.24	Is communication regularly maintained with and information and returns supplied, when required to the appropriate GLA?	Y	Audited and inspected, returns through PANAR.
.6	7.5.1, 7.5.5	4.21 – 4.24	Is the Harbour Authority the LLA?	Y	Derived from the 1887 Act.
.7	7.5	4.21-4.24	Are Aids to Navigation maintained by the harbour authority in accordance with the availability criteria laid down by the GLA?	Y	
.8	7.4.1		Does the Harbour Authority have the statutory powers to dredge in their local legislation?	Y	Derived from the 1887 Act.
.9	7.4.5, 7.4.6, 7.4.7	3.4	Does the Harbour Authority understand the consent process for capital and maintenance dredging and disposal plus monitor adherence to the consent conditions?	Y	Policy is stated at paragraph 3.37. Harbour has its own disposal licence – not seen at audit.
.10	7.6	4.26	Does the harbour authority have appropriate powers and a defined policy on wreck removal and salvage?	Y	In OPSMS at paragraph 5.3.7.

7	GtGP	PMSC		Y/N	Comment
.11	7.7	3.4	Do the MSMS and works consent process address the possibility of interaction between works/ development/degeneration in or near the harbour and conservancy?	Y	The Harbour Committee is a formal consultee during the planning permission process for proximate applications.
.12	7.4	3.8	Does the Harbour Authority exercise its general duties with regard to nature conservation and other related environmental considerations?	Y	
			Are there any nature conservation areas in the vicinity of the SHA?	Y	The Jurassic Coast surrounds the seaward harbour limits and the River Wey / Radipole Lake RSPB SSI is directly upstream of the inland limits.

## 7.1 COMMENTS

The conservancy function of the harbour is well understood and served by both the HM and the Committee.

Some minor additions to operational procedures are suggested above.

## 8 MANAGEMENT OF NAVIGATION

This section relates to measures organisations can use to manage navigation in their waters.

Management of a harbour begins in determining which activity is safe and where it can take place, having regard to the physical constraints and the variety of activities being undertaken.

Every harbour is different, and the requirement to manage navigation varies from one to another. A formal assessment of navigational risk (see **Section 4**), as required by the Code, will determine what management of navigation is required, and to what degree; monitoring, controlling or managing traffic needs to be taken in mitigating risk.

8	GtGP	PMSC		Y/N	Comment
.1	8.4	2.13	Does the harbour authority maintain any form of traffic monitoring?	Y	Monitors and responds to VHF Ch 12
.2	8.4.3, 8.4.9		Has the need for LPS or VTS been formally assessed?	Y	In original NRA
.3	8.4.12, 8.4.3-17		Is the current level of service (LPS/INS/TOS/NAS) appropriate?	Y	
.4	8.75	3.3	Does the Harbour Authority have LPS / VTS procedures?	N	Not required
.5	8.7.15- 17		Does the Harbour Authority enforce the requirement for a Port Passage Plan for visiting vessels?	N	See OPSMS paragraph 3.32.
	8.7.21		Does the Harbour Authority provide abort procedures?	N/A	
.6	7.5, 8.4	3.6, 4.21- 4.24	Have the conservancy provisions (e.g. navigation aids) been assessed in relation to effective management of navigation?	Y	
.7	8.2.1	3.5	Have the needs of all harbour users (including recreation) i.e. "Open port duty" been fully considered in the management of navigation?	Y	
.8	9.4.	4.11, 4.12	Has the organisation identified the needs for pilotage through risk assessment?	Y	See Pilotage section

8	GtGP	PMSC		Y/N	Comment
.9	8.9		Does the harbour authority operate harbour patrols?	Y	By boat and on foot.
.10	8.10.1-11		Does the harbour authority have to accommodate operations or events outside normal commercial activity?	Y	Various events including filming and Olympics etc. Could be considered "normal" activity.
.11	8.11		Are there subsea pipelines and/or power cable in the SHA? If so, is their protection contained in the MSMS?	Y	Inner Harbour power cable – not noted in the OPSMS or discussed as a navigation concern at audit. Subsea pipeline for Sealife Centre off beach at Lodmoor.
.12	8.10.22-26		If applicable is there effective liaison between organisation and marina(s)?	Y	Present Chair of Harbour Consultative Group is the manager / of the Dean & Reddyhoff marina in the Inner Harbour.

## 8.1 COMMENTS

The management of navigation function of the harbour is well understood by the HM and the Committee.

Some minor additions to operational procedures are suggested above.

## 9 PILOTAGE

The Code refers, amongst other things, to the main powers and duties which harbour authorities (as a CHA under the provisions of the Pilotage Act 1987) has a duty to assess what, if any, pilotage services are required to secure the safety of ships, and to provide such services as it has been deemed necessary. The use of these powers should follow these general principles:

- Harbour authorities are accountable for the duty to provide a pilotage service; and for keeping the need for pilotage and the service provided under constant and formal review;
- Harbour authorities should therefore exercise control over the provision of the service, including the use of pilotage directions, and the recruitment, authorisation, examination, employment status, and training of pilots;
- Pilotage should be fully integrated with other port safety services under harbour authority control; and
- Authorised pilots are accountable to their authorising authority for the use they make of their authorisations: harbour authorities should have contracts with authorised pilots, regulating the conditions under which they work - including procedures for resolving disputes.

A CHA must issue pilotage directions if it decides, based on its assessment of the risks, that pilotage should be made compulsory. The directions must specify how and to which vessels they apply. Ship owners and any other interested parties who use the port on a regular basis, must be consulted before the directions are implemented.

9	GtGP	PMSC		Y/N	Comment
.1	9	4.11	Does the harbour authority provide pilotage?	Y	
.2	9.4.14-17	4.12	Has the harbour authority issued pilotage directions?	Y	On website dated 2018.
.3	9.4.1	4.11	Is the pilotage provision continuously updated through risk assessment?	Y	Paragraph 3.27 in the OPSMS needs updating.
.4	9.3		Is there a suitable Master/Pilot exchange including a Pilotage Passage Plan and are records maintained?	Y	Not seen at audit but referenced at Paragraph 3.32.
.5	9.5	4.15, 4.16	Does the harbour authority issue Pilotage Exemption Certificates (PEC)?	NY	No current PECs. System exists as per paragraph 3.29 in the OPSMS.

9	GtGP	PMSC	Y/N	Comment	
.6		4.15	Y	Does the harbour authority maintain: PEC syllabus.	
	9.5.6, 9.5.18				
	9.5.16		Y	PEC tripping records.	Not scrutinised at audit.
	9.5.6		Y	PEC qualification and revalidation records.	Not scrutinised at audit.
.7	9.4.31	4.14	Y	Is there a formal training scheme for pilots as per the international recommendations contained in IMO resolution A960?	As contained in Pilotage Directions May 2018.
	9.4.31		Y	Are pilots trained in Bridge Team Management?	1 pilot is a current Southampton Class 1 pilot and the other is a qualified and current Condor Ferry Captain and pilot for Poole and Portland.
.8	9.4.31, 9.5.6	4.13	Y	Does the harbour authority regularly monitor the competence and fitness of pilots and PEC holders?	1 pilot is a current Southampton Class 1 pilot and the other is a qualified and current Condor Ferry Captain and pilot.
.9	9.4.45	4.13, 4.16	Y	Are pilots and PEC holders subject to a disciplinary procedure?	As contained in Pilotage Directions May 2018.
.10	9.4.11		Y	Does the harbour authority sub-contract pilotage?	
.11	9.4.30	4.13- 4.14	Y	Does the harbour authority have formal agreements with pilots and pilotage sub-contractors regarding training, revalidation, competence and discipline?	As contained in Pilotage Directions May 2018.
.12	9.1.1A	4.11	Y	Are pilotage resources kept under review against requirements?	Reviewed annually – pilot boat is coded under MGN 280(M). Crew training record not seen at audit.

9	GtGP	PMSC		Y/N	Comment
.13	9.4.18, 9.4.19	4.14	Are pilot boarding and landing arrangements subject to formal risk assessment and specific operational procedures?	Y	RA not seen at audit.
.14	9.4.20	4.11	Does the LPS/VTS require confirmation that the vessel complies with the pilot boarding arrangements?	N/A	

## 9.1 COMMENTS

9.1 Weymouth is a functioning independent Competent Harbour Authority. The Pilotage Directions of May 2018 govern all aspects of pilotage provision of the port and a useful overview is provided in the OPSMS at paragraph 3.27. As with many other ports that are not routinely busy with larger ships (i.e. over 50m), the responsibility of the Duty Holder through the HM in maintaining and recording the currency of the pilots, the pilot cutter crew and the equipment is likely to remain a careful compromise between maintaining the right level of safety and pragmatism. Understanding that infrequent pilotage is likely to be the norm for Weymouth for the foreseeable future the following points are offered for future consideration:

- It is recommended that a formal policy and method for mitigating the lack of currency of pilots, crew and equipment is discussed and explicitly stated in the OPSMS and in the next review of pilotage directions. Specifically, the Duty Holder must understand the reasons for and endorse the present entirely pragmatic policy of using pilots from other districts; and
- Similarly, it is recommended that a record of training and pilotage equipment maintenance and regular function testing is introduced in support of the policy above.

## 10 SHIP TOWAGE OPERATIONS

While any contract for the use of tugs is formally for the master of a vessel, the use of harbour tugs is one of the principal and most direct means open to a harbour authority to control risk.

Harbour authorities should determine, through risk assessment, appropriate guidance on the use of tugs in harbour areas. Recommendations should include the type of tugs and method of tow (where applicable) in addition to the number of tugs also where appropriate. Interested parties, including towage providers, users and pilots should be consulted in the preparation of such guidance. The guidance should be reflected in towage directions.

There should be procedures for special directions to be used, if necessary, where a master or pilot proposes that the guidelines should not be applied in some respect.

Directions should be reviewed regularly in the light of experience, changes in legislation, tug technology and the operating environment.

10	GtGP	PMSC		Y/N	Comment
.1	10		Does the harbour use tugs?	N	But the pilot boat 'Melwey' is used infrequently as a pusher vessel but is not made fast.
.2	10.2		Does the risk assessment include the use of tugs as a mitigation measure?	N	
			Does the harbour authority have access to the towage providers' risk assessments and operational procedures?	N/A	
.3	10.2		Have towage services been fully assessed for suitability to the needs of vessels using the harbour?	N/A	
.4	10.3		Are the tug resources adequate for harbour needs?	Y	
.5	10.2.3		Are tugs used in restricted visibility?	N/A	
.6	10.2.3		Are any special guidelines in use for restricted visibility?	N/A	

10	GtGP	PMSC	Y/N	Comment
.7	10.2.8, 10.5		N/A	Are there formal liaison arrangements between Harbour Master, tug masters and pilots, including training?
.8	10.3.10		N/A	Do the towage operators have formal procedures that are referred to in the MSMS?
.9	10.3.10		N/A	Has the harbour authority agreed with the tug operators a policy on correct gear and procedures for towing?
.10	10.2		Y	The pilot boat 'Melway' is used infrequently as a pusher vessel but is not made fast.
.11	10.2	4.6	N/A	Do Harbour Masters' procedures include the facility to use special directions if masters and/or pilots propose departure from guidelines?
.12	10.3.8-13		N	Does the harbour authority: put in place: <ul style="list-style-type: none"> <li>• Risk assessment;</li> <li>• Method statement; and</li> <li>• Passage plan.</li> </ul> with regards to dead tows etc.
	10.3.11		N	give written approval for such moves.
	10.3.13		N	train pilots in dead-ship towage.

## 10.1 COMMENTS

Ship towage has not occurred in the Port of Weymouth in 'recent times.' It is recommended that paragraph 3.30 of the OPSMS is reviewed. Larger vessels are sometimes assisted onto the berth by using the pilot boat 'Melway' as a pusher vessel, but she is never made fast and is always Coxswained by the HM when she does. A risk assessment supporting this function was not seen at audit.

## 11 MARINE SERVICES

“Marine Services” means the support activities carried out by the organisation to maintain safety of navigation and the hydrographic regime. Marine services may be provided by the harbour authority itself or by commercial organisations operating on-site.

There are a number of general principles when operating marine services:

- An authority’s safety management system should cover the use of harbour craft and the provision of moorings;
- The formal safety assessment should be used to identify the need for, and potential benefits for safety management of harbour craft;
- The authority should ensure that harbour vessels or craft which are used in the harbour are fit for purpose and that crew are appropriately trained and qualified for the tasks they are likely to perform; and
- Byelaws and the power to give directions are available for these purposes.

Harbour authorities have powers in byelaws and directions to regulate the mooring of vessels in the harbour. The SMS should govern the use of these powers.

11	GtGP	PMSC		Y/N	Comment
.1	11.2		Does the harbour authority exercise any powers of regulation over port craft?	N	
.2	11.2.2		Where port craft do not have to comply with national legislation does the harbour authority impose any form of inspection and licensing?	N	
.3	11.2.2	2.18	Does the harbour authority possess the competencies to carry out inspections on port craft?	N	
.4	11.2.2, 11.2.3		Does the harbour use outside contractors to carry out inspections of port craft on its behalf?	Y	MECAL survey and code the Work and Pilot Boat ‘Melwey.’
.5	11.3		Has the harbour authority ensured that workboats used in the harbour are “fit for purpose” for any use they are involved with i.e. compliant with appropriate MS Regulations and the 2016 revised work boat code.	Y	MECAL survey and code the Work and Pilot Boat ‘Melwey.’

11	GtGP	PMSC		Y/N	Comment
.6	11.4, 6.6.3		Does the harbour authority control operations with a process/procedure for: <ul style="list-style-type: none"> <li>• Hot work;</li> <li>• Bunkering;</li> <li>• Engine immobilisation;</li> <li>• Diving/swimmer.</li> </ul>	N	Diving operations are referenced at paragraph 3.41.
.7	11.5		Does the harbour authority permit recreational diving in the harbour?	N	
.8	11.6		Does the harbour authority exercise powers in relation to commercial vessel mooring plans and mooring parties?	N/A	
.9	11.6		Does the harbour authority regulate the mooring of vessels in the harbour?	Y	
	11.6		Does the harbour authority ensure that mooring parties meet industry's competence standards and have access to appropriate training?	N/A	

### 11.1 COMMENTS

None for this section.

## 12 PROFESSIONAL QUALIFICATIONS AND COMPETENCIES FOR PORT MARINE PERSONNEL

Harbour authorities must assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation.

Authorities must ensure their staff meet the nationally agreed standards of competence, or alternatively be able to show that their local competency standards are fully equivalent.

Achieving marine port safety is a team operation and people in these roles must be competent and adequately trained.

12	GtGP	PMSC		Y/N	Comment
.1	12.4, 12.5	1.16, 2.18	Does the Harbour Master hold an appropriate qualification?	Y	Time served, progress internally. Appropriate practical qualifications.
.2	12.5	1.16, 2.18	Do the Deputy and/or Assistant Harbour Masters hold appropriate qualifications?	Y	As above.
.3	12.7	1.16, 2.18	Do VTS officers hold appropriate qualifications?	N/A	
.4	12.8	1.16, 2.18	Does the harbour authority ensure that marine operatives are suitably trained, assessed and competent to carry out their assigned roles?	Y	See OPSMS paragraph 3.11.
.5	12.9	1.16, 2.18	Does the harbour authority exercise control over the training and competence of tugs crews?	N/A	
.6	12.10	1.16, 2.18	Does the harbour authority, directly or indirectly, employ suitably qualified hydrographic surveyors?	Y	Shoreline Services Ltd.
.7	12.11	2.18	Does the organisation have a training policy and maintain training records?	Y	At both Council HR level, and locally for marine specific roles.

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## 12.1 COMMENTS

Maintenance of the appropriate competencies for the Harbour staff is firmly in place. The following additional points are offered:

- The OPSMS ought to state the level and method of delegation (if any) of the powers that are specifically and exclusively vested in the office of the appointed Harbour Master;
- It is common practice in most ports for the deputy HMs or named or suitably qualified / experienced berthing officers to be granted some delegation of these powers so that the HM does not become a single point of failure in case of absence or holiday or sickness; and
- The occasions for delegation can be described clearly in the OPSMS so there is no likelihood inappropriate use of authority or decision paralysis in the event of the absence / unavailability of the HM.

## 13 ACCIDENT REPORTING & INVESTIGATION AND ENFORCEMENT

The duties of a harbour authority include an obligation to conserve and facilitate the safe use of the harbour and a duty of care against loss caused by the authority's negligence. Such losses may involve death, serious injury, pollution and other undesirable outcomes and they may involve breaches of national or local laws.

Investigations by the harbour master of marine incidents have two essential purposes:

- To determine the cause of the incident, with a view to preventing a recurrence of that incident (or similar); and
- To determine if an offence has been committed: if so, there may be the need on the part of a harbour authority to initiate enforcement action that may lead to prosecution in their own right or through an agency of another authority such as the Police or the MCA.

It is, therefore, essential that the marine SMS addresses the potential for incidents to occur and to provide instruction and guidance on any investigations and enforcement action that may be required as a result. By ensuring that a robust, rigorous, independent investigation has been carried out, the board and the duty holder can be assured that their obligations for compliance have been addressed.

13	GtGP	PMSC		Y/N	Detail/Comment
.1	13.8	2.20	Does the SMS include procedures for accident/incident investigation? Recent example?	N	Only very briefly at paragraph 6.11. Recommend that a review is prioritised, with development of an incident database being considered essential. Liaise with Bridport and Lyme Regis for consistency.
.2	13.4.2	2.23	Does the harbour authority follow a set procedure for informing the MAIB?	Y	At paragraph 6.9 but a clearer procedure is required.
.3	13.3.6-10	2.21	Does the process separate offences for investigation by other agencies? (Police/MCA/EA etc.)?	Y	But a clearer statement of procedures is required.
.4	13.11.6	2.20	Does the investigation process inform the risk assessment for review purposes?	Y	But see above, comments below and section 5. Marico will assist in finding examples of best practice in guiding this.

13	GtGP	PMSC	Y/N	Detail/Comment
.5	13.9	2.11	Y/N	Does the promulgation of the findings of an investigation include the possibility of passing on findings to harbour authority employees, stakeholders or other organisations, e.g. Ports Group, Harbour Masters' body?  Happens in practice, but see above, comments below and section 5.
.6	12.8.4	2.20- 2.21	N	Does the investigation process link with the enforcement process?  But it will do and Marico will assist in finding examples of best practice in guiding this.
.7	13.2.2		Y	Does the Harbour Authority understand their powers in relation to drink and drugs afloat?

### 13.1 COMMENTS

At present there does not appear to be a formal documented procedure for investigating incidents, reporting them and, if necessary, conducting enforcement procedures. It is recommended that this is implemented and, to save effort, to use readily available appropriate best practice from elsewhere in the marine industry. Marico Marine will assist in signposting the best examples and it is for the Duty Holder and the HM to agree together on the best procedures that are appropriate for Weymouth Harbour. The following points are offered for further consideration (deliberately mirroring section 5):

- A mature and effective MSMS relies on a feedback loop where, when an incident occurs, it is assessed by a competent person and recorded in an incident database, investigated at the appropriate level, reported on, recommendations made which are then incorporated into the MSMS and then formally closed off;
- It is recommended that an incident database is established at the earliest opportunity and, if possible, back dated to incorporate the most serious or significant incidents in the harbour from at least the last year. The scope of this database can vary from a basic Excel spreadsheet to a more sophisticated commercially purchased reporting system which allows data and trend analysis. A basic minimum will suffice at present but there must be a function where incidents are formally recorded and then analysed and processed by the Harbour Authority in accordance with the first bullet.
- It is recommended that the reporting system be extended to include a near miss function, but it is recognised this will require a significant culture shift for employees and from the Harbour authority to encourage open or anonymous reporting without any concern about blame apportionment.
- The reporting system will need to track the entire incident investigation process and evidence the induction of the lessons learned or identified into the MSMS.

