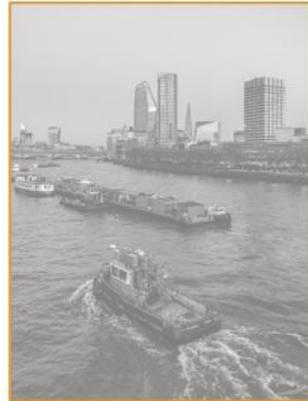
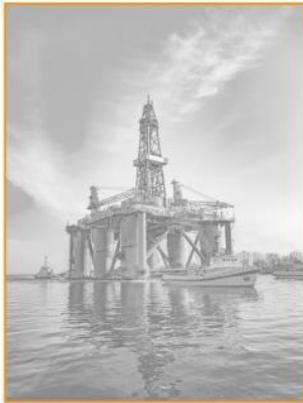


**DORSET COUNCIL**

**PMSC DESIGNATED PERSON REPORT 2022**



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## EXECUTIVE SUMMARY

Marine and Risk Consultants Limited (Marico Marine) were appointed on 1 October 2019 to provide Designated Person services to the three Dorset Council Harbours, as required by the United Kingdom Port Marine Safety Code (PMSC).

The contract for services included initial detailed audits which were completed during 2019.

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Due principally to the restrictions during the Covid Pandemic, full audits of the three harbours have not been repeated since the 2019 reviews, but all three harbours have been re-visited subsequently (as Covid allowed) and progress against the original observations reviewed, and sample procedures audited as appropriate.

This report details observations made during the most recent operational visits to Lyme Regis (including a review of Bridport) and Weymouth, the intention being to provide a summary of the status of current PMSC compliance before the current contract for Designated Person services expires on 30 September 2022.

Dorset Council is the single Harbour Authority for three individual harbours, all of which should be managed in compliance with the Port Marine Safety Code. Initial full audit followed by subsequent monitoring and re-visits by the Designated Person has revealed a considerable discrepancy in the level of PMSC compliance between Weymouth and the other two harbours.

Were Weymouth to be considered alone, it is the DP's opinion that the harbour could be declared fully compliant with the requirements of the PMSC (albeit with a number of further improvement recommendations). However, the requirements to fully review the Marine Safety Management System (documented procedures) along with ineffective navigational risk assessments (among other observations) at both Bridport and Lyme Regis, three years after initial audit, suggests that these two locations are not fully compliant with the requirements of the PMSC.

It is concluded that, overall, Dorset Council could not confirm PMSC compliance as required until the Bridport and Lyme Regis MSMS and NRA updates (at a minimum) are completed.

It is therefore recommended that the Harbours Committee, as Duty Holder, urgently develops a Marine Safety Plan (as required by the Code) identifying and prioritising the necessary improvements to achieve full PMSC compliance. The plan should be time framed and monitored at the regular Harbours Committee meetings, and progress against the plan publicly reported.

The DP is confident that compliance can be achieved in a relatively short time period, by means of adapting the good practices in place at Weymouth to the two smaller ports, and that the Council will be able to confirm renewed compliance when next required to do so by the MCA (anticipated to be in March 2024).

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## INTRODUCTION

Marine and Risk Consultants Limited (Marico Marine) were appointed on 1 October 2019 to provide Designated Person services to the three Dorset Council Harbours, as required by the United Kingdom Port Marine Safety Code (PMSC).

The contract for services included initial detailed audits which were completed during 2019<sup>1</sup>.

Shortly after the two initial audit reports were completed, the UK was affected by the Covid 19 Pandemic curtailing travel and the ability to visit the three harbours, and attendance at Harbour committee meetings as originally envisaged under the service contract. However, working practices were adapted and increased use of video conferencing and re-programming of support visits, enabled the service provision to be effectively maintained.

In addition to the challenges arising from Covid other significant occurrences in the contract during the three year contract period included:

- The Duty Holder, Dorset Council, was a newly formed body, having recently taken over statutory responsibility for the three harbours (which were previously managed by two separate authorities);
- A new Harbour Master was appointed in Weymouth shortly after the initial audit was completed (Jamie Joyce);
- The Harbour Master Roles for Bridport and Lyme Regis were initially temporarily filled by one person (James Radcliffe) from just prior to the original audit. This temporary arrangement is still in place almost three years later;
- Significant progress has been made with applying for (and in the case of Weymouth achieving) Harbour Revision Orders to modernise the statutory management of the harbours;
- Pilotage provision in Weymouth has been thoroughly reviewed and is likely to be ceased in the near future; and
- At the conclusion of the three-year period, the Harbour Master Weymouth has resigned from post, having achieved a wide range of improvements for a successor to build upon.

For the reasons given above, full audits of the three harbours have not been repeated since the 2019 reviews, but all three harbours have been re-visited subsequently (as Covid allowed) and progress against the original observations reviewed, and sample procedures audited as appropriate.

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<sup>1</sup> 19UK155 – Weymouth Issue 02 23 January 2020

and 19UK1555 – Bridport and Lyme Regis Issue 01 23 January 2020

This report details observations made during the most recent operational visits to Lyme Regis (including a review of Bridport) and Weymouth, the intention being to provide a summary of the status of current PMSC compliance before the current contract for Designated Person services expires on 30 September 2022.

**Visit Schedule**

31 May 2022    **Lyme Regis**

5 July 2022    **Weymouth**

**Personnel**

William Heaps – Marico Marine – Designated Person

James Radcliffe – Harbour Master Bridport and Lyme Regis

Jamie Joyce – Harbour Master Weymouth

**Visit objectives**

- Review current marine arrangements;
- Review progress against recommendations in the 2019 audits;
- Cover as many aspects of PMSC compliance as possible through discussion and review of process; and
- Gather sufficient information to provide an end of contract report to the September 2022 Harbours Committee meeting (this report).

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## 1 REVIEW

### 1.1 OVERVIEW – LYME REGIS AND BRIDPORT

The designated person has made two visits to Lyme Regis, and three to Bridport (West Bay) during the contract period. This included the initial full audit which took place in West Bay during 2019, but reviewed procedures for both ports, the findings of which were presented in a single report.

At the time of the 2019 audit, the current Harbour Master had recently been appointed to cover both harbours on an interim basis, pending a restructure of staff, and re-assessment of job roles and staffing requirements at both locations. It is therefore disappointing to note that no progress had been made on this front by the time of the May 2022 visit. During the introductory discussion, staffing challenges were top of the list of issues raised. This echoed the discussion during the previous site visit to Lyme Regis on 30 June 2021.

The main staffing challenges identified were:

- Harbour Master role and duties still not formalised;
- Has been acting Harbour Master for two harbours for approximately 3 years;
- No assistant / deputy for Statutory Harbour Master role, no clear provision for delegation Harbour Master powers should this be required;
- There is a strong reliance on seasonal staff at both harbours, and the disruption of Covid has led to a loss of knowledge, reduced numbers, and very limited time to train new seasonal staff during the current season;
- Full time staff numbers at both ports are currently also depleted, although a recruitment process was underway at the time of the 2022 visit.

The Harbour Master was hopeful that staffing issues would be largely addressed during summer 2022, but currently there is little time available to address key PMSC compliance issues including review of the MSMS, regular navigational risk assessment, incident reporting and investigation or continuous improvement planning.

Overall, the majority of the recommendations made during the 2019 audit had not been addressed due to lack of resource (generally people and time rather than finance).

### 1.2 OBSERVATIONS – LYME REGIS AND BRIDPORT - 2022

The following observations are made in respect of progress against the 2019 audit report (2019 comment followed by 2022 observation).

1. *It is recommended that a paragraph explaining the provenance of the authority for the Harbour Master (HM) to issue Special Directions be included in the Marine Operations Plan (MOP): Still*

- to be actioned: awaiting review of job descriptions formal appointment of a joint harbour Master and roles of those with delegated authority. MSMS document to be updated in due course.
2. *In due course, examine the requirement for the Harbour Master of either port to have the power to issue General Directions to modernise the existing powers already granted through the Byelaws and enabling acts:* Progress has been made with the promotion of an HRO (currently still with the MMO) which will allow General Directions to be issued in due course (following successful Weymouth model).
  3. *In due course, examine the need to expand Bridport Harbour limits to seaward;* It was agreed not to carry this forward during the HRO application (see above).
  4. *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:* The Harbours Committee has matured since the time of the audit, and there was some evidence that members had taken part in BPA training. An independent member attended the 2022 visit and gave relevant feedback; however, the process of requiring committee members to be trained, and remain active should be formalised, and training recorded, and the records made available for future audit.
  5. *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. Readers of this audit are asked to remember that it is impossible to provide too much information to the DP:* The DP has been kept well informed throughout the contract period, particularly through the review of the comprehensive Harbour Master reports submitted to each Harbours Committee meeting. Follow up questioning / requests for additional information were always met with full and timely responses. The ability of the DP to attend Harbour Committee meetings remotely has been an unexpected bonus of the Covid restrictions and allowed a greater insight into Council harbour matters than may have been the case previously.
  6. *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 MOP and Marine Safety Management System (MSMS). The Duty Holder should produce a strategic overarching chronological plan which sits above the MSMS against which to measure and report their performance:* A compliance letter was sent to the MCA as required. However, the improvement plan has not been developed, and is consequently not published (and no progress reports made).
  7. *The present hazard lists and Navigation Risk Assessments (NRAs) are out of date for both ports and it is suggested that they require a complete review. This might seem daunting, but it should and ought to be achievable in relatively short order for both ports:* No progress has been made on this fundamental PMSC compliance requirement since the audit, though basic assessments remain in place. While some reviews of navigational and other risk assessments have taken place, such reviews are not clearly documented.

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8. *The hazard list and the NRA should be formally reviewed every year and fundamentally refreshed no less than every 5 years. Weymouth port is a standard bearer for best practice in this regard:* No progress – see above.
  9. *It is further suggested that the Hazard List and the subsequent NRA are separated out from the MOP to enable frequent review and update; these should sit alongside the MOP on the publicly accessible website:* No progress
  10. *It is recommended that an incident database is established at the earliest opportunity for both ports and, if possible, back-dated to incorporate the most serious or significant incidents in the harbours from the last year (or more). It is recommended that for ports of this size a basic Excel spreadsheet rather than a more sophisticated commercially purchased reporting system would be more appropriate:* Little progress, despite an excellent and very well used system having been developed for Weymouth. The rate of incident reporting for both Lyme Regis and West Bay is much lower than experience suggests should be the case. However, it is noted that incident reporting has very recently become available via the new websites for the two harbours.
  11. *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 both Harbour authorities to encourage open or anonymous reporting without any concern about blame apportionment:* See above.
  12. *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:* No evidence of recent incident investigations.
  13. *Links to the county and regional emergency plans could be included on the Harbour Website:* Not progressed, although new websites will now allow this.
  14. *It is recommended that a record of past and planned emergency response exercises is kept:* No records found.
  15. *The Harbours should consider a more formal and public way of publishing dredge and survey results for both ports:* Not formalised in the MSMS, but copies of surveys are now routinely sent to the UKHO for chart updates. Surveys could be added to the new web site in a suitable format.
  16. *Bridport is still a Competent Harbour Authority within the meaning of the 1987 Pilotage Act and as such should have all the accompanying documentation and processes that are outlined in the Act and in the Code in place to support this function. Although it is recognised that no vessels requiring Pilotage have called at Bridport in recent years and are unlikely to do so in the foreseeable future, the possibility of a call still exists exposing the port to a breach of its obligations as a CHA. It is suggested that the provision of a pilotage service at Bridport needs a full and urgent review, starting with a pilotage provision risk assessment most likely followed by an application through the appropriate channels to have the CHA status removed:* The Harbour Master is very aware of this issue, but at present it is not causing any difficulty. Although the opportunity of the present HRO / removal of pilotage responsibilities in Weymouth
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has not been used to cost effectively address the redundant Bridport Pilotage responsibilities, the issue will still require addressing in the reasonably near future.

17. *It is recommended that the requirement for the appropriate level of oversight and possibly the issue of a licence for commercial bunkering at Bridport should be reviewed and risk assessed:* This has not been progressed and during the 2022 visit. Furthermore, it became apparent that this requirement is even more pressing at Lyme Regis.
18. *For both ports, the MOP 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:* Not complete – awaiting job roles / descriptions / recruitment.
19. *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:* Not complete. See introduction and points 1 and 18 above.
20. *The occasions for delegation should be described clearly in the MOP so there is no likelihood of inappropriate use of authority or decision paralysis in the event of the absence / unavailability of the HM:* Not complete.

It remains disappointing (for reasons that are clear and understood) that it has not been possible to progress many of the audit recommendations from 2019.

The Duty Holder (Harbour Committee) has a responsibility to enable progress, through the provision of support and direction (and prioritised allocation of resources, which it is recognised may be scarce).

As a priority, the main actions which may lead to noncompliance with the PMSC (see **Section 2** of this report) should be identified and prioritised in a time framed improvement plan (referred to as “the safety plan for marine operations” in section 2.26 of the PMSC) - see item 6 in the list of 2019 audit recommendations.

Once such a plan is in place (covering all three Council Harbours) it should be owned and monitored by the Duty Holder (Harbours Committee) and progress against the plan regularly reported (for example in the published committee meeting minutes).

Overall, the harbours of Lyme Regis and Bridport are diligently managed by competent staff who are working extremely hard with very limited resources. Considerable progress has been made in the fields of commercial viability and stakeholder relationships, and on a day-to-day basis activities take place in a safe and effective manner. There have been considerable improvements in other areas: for example, administration of moorings allocation, landside activities such as parking, the establishment of new websites and commercial initiatives including the shops and diving services. However, these achievements have been at the expense of progress against PMSC compliance improvements, which must be addressed if the Council overall is to be able to confirm compliance to the PMSC when next requested.

### 1.3 OVERVIEW – WEYMOUTH

Weymouth, by virtue of its relatively large size and increased commercial activity in comparison to the western harbours, has been historically better resourced in terms of staff and equipment.

Nevertheless, the new Harbour Master appointed during 2020 (after the initial audit) identified a requirement for additional staff, principally to enable sufficient cover (24 hour) especially in the summer months. It is a credit to the Harbour Master and the Council that this challenge was met. Supported by commercial justifications a full team (including Assistant Harbour Masters) will shortly be in place. Coupled with sufficient staffing levels, comprehensive reviews of job roles and responsibilities and empowerment of individual staff members to make their own decisions, within established boundaries, has led to far more efficient management over longer periods, resulting in timely and sound decisions without constant reference to senior management. Delegation of Statutory Powers is also clear.

Like Lyme Regis and Bridport, Weymouth is now on a much sounder commercial footing than in the past, but this has been achieved alongside efficient discharge of statutory duties with many improvements to the procedures supporting PMSC compliance – and hence safety of navigation within the harbour area.

### 1.4 OBSERVATIONS – WEYMOUTH - 2022

The following observations are made in respect of progress against the 2019 audit report (2019 comment followed by 2022 observation).

1. *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): Complete in new “Operations Plan and Safety Management System” document (available from website).*
2. *It is recommended that a summary of the harbours enforcement policy be included as a short paragraph in the OPSMS: Not specifically complete but referenced in Ops plan and on website.*
3. *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. Ongoing – see comment at item 4 for Lyme / Bridport above.*
4. *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: See comment for Lyme / Bridport above.*
5. *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: Complete.*

6. *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.* Addressed, complete.
7. *The Duty Holder should produce a strategic overarching chronological plan which sits above the MSMS against which to measure and report their performance:* Not complete - see comments at Section 1.2 above.
8. *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:* Ongoing – new harbour master will provide a good opportunity for the next review.
9. *Retain the present NRA review regime, this represents good practice:* Ongoing
10. *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.* Complete – new system has proved extremely effective.
11. *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:* Complete.
12. *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:* Complete.
13. *Links to the county and regional emergency plans could be included on the Harbour website in the 'Applications, Policies / Management Document' section:* Complete.
14. *It is recommended that a record of past and planned emergency response exercises is kept:* Complete.
15. *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:* Complete (Pilotage review undertaken, and recommendations made to Harbour Committee).
16. *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:* Complete.
17. *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:* Complete.

18. *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: Complete.*
19. *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: Complete.*

In summary, the great majority of the observations made during the 2019 audit in respect of Weymouth have been addressed, some immediately, but most following the appointment of the current Harbour Master. Detail appears in section 2 of this report, but the audit recommendations have been chiefly addressed through the following initiatives (and more) since the start of 2020:

- Staff re-organisation and empowerment;
- Fully revised Marine Safety Management System (including overview document and multiple supporting policies, procedures checklists and records);
- Review of the NRA and other risk assessments;
- A successful HRO, and the ability to make General Directions;
- A full review of pilotage provision, and taking action on recommendations made;
- A new and effective incident reporting system and taking action on all reports received;
- New and effective managements systems on a digital platform for many aspects of harbour management (including mooring allocation, billing, maintenance, regular checks etc.); and
- Re-invigorated and effective stakeholder engagement (two-way – listening via stakeholder groups, and providing information through updated relevant publications and a comprehensive new website).

Overall, in addition to achieving a much more secure commercial future for the harbour, through initiatives supported by the Council, considerable improvements have been made to PMSC compliance with almost all audit recommendations from 2019 now addressed. However, there is always room to improve, and the chief outstanding recommendation to develop a safety plan for marine operations should support such ongoing improvement (see discussion in section 1.2, for Lyme Regis and Bridport).

## 1.5 SUMMARY OF OBSERVATIONS

All three harbours have seen considerable change and progress since Dorset Council assumed the statutory responsibility for their management. Considerable effort has been expended in ensuring the commercial viability of each harbour with noticeable success despite the challenges posed by Covid. However, the primary duty of the Statutory Authority (the Duty Holder) is to provide harbours that are open and SAFE for navigation, and in this respect, it has been possible to make far more progress and achieve greater improvements in Weymouth than in the two smaller harbours.

It is noted that many of the documents and systems developed for Weymouth can be directly applied to both Bridport and West Bay with minimal modifications (the websites being a successful example already taken forward).

The Duty Holder must ensure that sufficient resource and direction is given to the harbours of Bridport and Lyme Regis to enable them to reach the same standards as Weymouth.

## 2 PMSC COMPLIANCE OVERVIEW

Readers are reminded of the ten key measures a Harbour Authority should take to ensure PMSC compliance (see **Figure 1**)

These are as follows: (with a comment relating to observed Dorset Council compliance)

Measure	PMSC Requirement	Dorset Council Status
1 <b>Duty holder</b>	Formally identify and designate the duty holder, whose members are individually and collectively accountable for compliance with the Code, and their performance in ensuring safe marine operations in the harbour and its approaches.	Harbours Committee. In place. Ensure effective and trained
2 <b>Designated Person</b>	A 'designated person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the duty holder.	In place – contract requires renewal end September 2022
3 <b>Legislation</b>	The duty holder must review and be aware of their existing powers based on local and national legislation, seeking additional powers if required in order to promote safe navigation	Recently reviewed for all Harbours – HRO process. Good external advice taken
4 <b>Duties and Powers</b>	Comply with the duties and powers under existing legislation, as appropriate	Ensure powers are formally delegated to appropriate people
5 <b>Risk Assessment</b>	Ensure that marine risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice	In place, but requires review at all harbours, especially Bridport and Lyme
6 <b>Marine Safety Management System</b>	Operate an effective MSMS which has been developed after consultation, is based on formal risk assessment and refers to an appropriate approach to incident investigation	Effective for Weymouth (recent and fully reviewed) Ineffective and out of date Bridport and Lyme
7 <b>Review and Audit</b>	Monitor, review and audit the risk assessment and MSMS on a regular basis – the independent designated person has a key role in providing assurance for the duty holder	External review and audit in place through DP contract. Opportunity for more internal review (inter harbour?)

Measure		PMSC Requirement	Dorset Council Status
8	<b>Competence</b>	Use competent people (who are trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety	Job descriptions and roles need defining and suitable training given – especially for Bridport and Lyme
9	<b>Plan</b>	Publish a safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years	Not in place – priority action for Duty Holder
10	<b>Aids to Navigation</b>	Comply with directions from the General Lighthouse Authorities and supply information & returns as required	No current issues

Section 2 below gives detail on PMSC compliance under the 13 headings of the Guide to Good Practice, which gives practical detail on compliance with the Code.

## What does the Port Marine Safety Code mean for harbours, Marine Facilities, berths and terminals?



**Duty holder** Formally identify and designate the duty holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.



**Designated Person** A 'designated person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the duty holder.



**Legislation** The duty holder must review and be aware of their existing powers based on local and national legislation seeking additional powers if required in order to promote safe navigation.



**Duties and Powers** Comply with the duties and powers under existing legislation as appropriate.



**Risk Assessment** Ensure all marine risks are formally assessed and are eliminated or reduced as low as reasonably practicable in accordance with good practice.



**Marine Safety Management System** Operate an effective system which has been developed after consultation, is based on formal risk assessment and refers to an appropriate approach to incident investigation.



**Review and Audit** Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the duty holder.



**Competence** Use competent people (who are trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.



**Plan** Publish a safety plan showing how the standards in the Code will be met and a report assessing performance against that plan at least every three years.



**Aids to Navigation** Comply with directions from the General Lighthouse Authorities and supply information & returns as required.



Figure 1: Measures for PMSC Compliance

## 2.1 THE LEGAL BACKGROUND

Dorset Council has recently reviewed the legislation from which their Harbour Authority Powers are derived. The Weymouth legislation is modern with a recently approved HRO, and a similar HRO is underway for Bridport and Lyme. However, having expended considerable effort and expense to achieve this state, the Authority should keep the new legislation under review to ensure it is as effective as anticipated, and in particular, the ability to make General Directions and revoke ineffective bylaws should be taken advantage of as soon as possible. See also section 2.9 – Pilotage.

## 2.2 ACCOUNTABILITY FOR MARINE SAFETY

Dorset Council has made clear arrangements in respect of the Duty Holder, with a subcommittee of the Council taking that role. Meetings are regular and effective with excellent reports being received from the harbours. Members broadly have a good understanding of their roles, duties and responsibilities. However, regular formal training should be a requirement for all Committee members and such training should be formally recorded. It is suggested that the committee should have formal terms of reference, and that a quorum should be required (if not already in place through council procedures). As all members are individually and collectively responsible for the safety of navigation and port marine operations in the three harbours, the terms of reference should require regular attendance at meetings. Members are strongly advised to visit the harbours as often as possible – similar organisations arrange annual formal visits, for example.

## 2.3 CONSULTATION AND COMMUNICATION

All Harbours have excellent relationships with harbour users and other stake holders, both formally through consultative groups and informally through “open door” policies at the harbour offices.

There is, however, a need for the Authority to develop a Marine Safety Plan, and to regularly and publicly report on progress against that plan.

## 2.4 RISK ASSESSMENT

Navigation Risk Assessment is fundamental to PMSC compliance. All harbours have a basic set of assessments in place, but all should be thoroughly reviewed. This is particularly the case for Bridport and Lyme Regis, where the assessments are so out of date that they cannot be considered to be fully PMSC compliant until thoroughly refreshed.

## **2.5 MARINE SAFETY MANAGEMENT SYSTEM**

A good MSMS is in place in Weymouth and should be used as the template for a fully reviewed system for the two smaller ports, where the MSMS is no longer fit for purpose.

## **2.6 EMERGENCY PREPAREDNESS AND RESPONSE**

Bridport and Lyme Regis require port specific emergency response plans, and exercises should be scheduled and recorded. Again, templates are available from Weymouth.

## **2.7 CONSERVANCY**

Conservancy matters (keeping the harbours fit for safe navigation) are generally well managed, with survey and dredging schedules established for all three harbours. Navigation aids, where they exist are well maintained, and reports made to Trinity House as required. Care should be taken to document the good practice that is followed in the refreshed MSMS for Bridport and Lyme Regis.

## **2.8 MANAGEMENT OF NAVIGATION**

None of the harbours have been assessed as requiring a VTS service, but Weymouth effectively provides a Local Porty Service, with advice and information being given to visiting mariners via VHF radio. This is also the case to a lesser extent in the smaller harbours. Refreshed risk assessments will confirm whether current arrangements are adequate, but they seem appropriate for current traffic levels. Good pre-arrival information is available for visitors, and this has become more accessible with the new web sites. Management of potentially conflicting leisure activities is extremely well managed with the new zoning system and speed limits in Weymouth Harbour and Bay.

## **2.9 PILOTAGE**

A full review of Pilotage provision at Weymouth has been undertaken and concluded that the services are no longer necessary or viable. It is expected that an application will soon be made to remove the Harbour's CHA (pilotage Authority) status.

Bridport is still a (defunct) pilotage authority, and it is recommended that a similar application be made to remove that function as soon as possible.

## **2.10 SHIP TOWAGE OPERATIONS**

Ship towage does not occur in any of the harbours, and no facilities are available. Other forms of towage (occasional barges etc.) are managed on a case-by-case basis following individual risk assessment.

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## 2.11 MARINE SERVICES

While all three harbours provide a number of commercial marine services, those most relevant to the PMSC code are the regulation and licensing of commercial vessels using the harbours. Good procedures are in place for the assessment and licensing of commercially operated craft, including ferries, angling, dive and other commercial leisure vessels. Procedures are clear and effectively documented in the Weymouth MSMS, and this should be used as a template to document the similar procedures in place at Lyme Regis and Bridport.

Other services such as bunkering are also well managed at Weymouth but require reviewing at the other ports. (Road bunkering of fishing vessels at Lyme Regis is a particularly high-risk operation, both in terms of potential pollution and risk to members of the public. However, the operation is not currently subject to formal control procedures).

## 2.12 PROFESSIONAL QUALIFICATIONS AND COMPETENCIES FOR PORT MARINE PERSONNEL

All marine staff are competent, suitably qualified and dedicated. Good training requirements and records are maintained locally (noting that many necessary marine qualifications do not fit neatly into the corporate HR system, and there is a need to keep separate local records, and ensure qualifications are kept in date).

However, it is essential that qualifications and training are aligned with the Statutory duties of, and powers available to, marine staff and the Duty Holder should clearly assign accountabilities for operational matters. In this respect the temporary arrangements for the Bridport / Lyme Regis Harbour Master should be urgently finalised, and suitable provision made to provide him with qualified deputies with formally delegated Harbour Master powers. Once again, the model developed for Weymouth provides a good template.

## 2.13 ACCIDENT REPORTING & INVESTIGATION AND ENFORCEMENT

At the time of the 2019 audits, accident and incident reporting and investigation was at a very low level at all three ports. Since that time a new system has been developed in Weymouth and has proved very effective. Reports have increased dramatically to several hundred per year from all sources (staff and public reporting) and real improvements made to both safe operations and customer service. While the vast majority of reports are not serious incidents requiring full investigation, those that do require follow up have been fully investigated and outcomes and actions (including review of risk assessments) fully documented.

Unfortunately, this improvement has not been achieved in Bridport and Lyme Regis yet, but access to public reporting from the website is now available, and support should be given to the Harbour Master to adopt the same systems and procedures as have been developed for Weymouth.

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### 3 CONCLUSION

Dorset Council is the single Harbour Authority for three individual harbours, all of which should be managed in compliance with the Port Marine Safety Code. Initial full audit followed by subsequent monitoring and re-visits by the Designated Person has revealed a considerable discrepancy in the level of PMSC compliance between Weymouth, and the other two harbours.

Were Weymouth to be considered alone, it is the DP's opinion that the harbour could be declared fully compliant with the requirements of the PMSC (albeit with a number of further improvement recommendations). However, the requirements to fully review the Marine Safety Management System (documented procedures) along with ineffective navigational risk assessments (among other observations) at both Bridport and Lyme Regis, three years after initial audit, suggests that these two locations are not fully compliant with the requirements of the PMSC.

It is concluded that overall, Dorset Council could not confirm PMSC compliance as required, until the Bridport and Lyme Regis MSMS and NRA updates (at a minimum) are completed.

It is therefore recommended that the Harbours Committee, as Duty Holder, urgently develops a Marine Safety Plan (as required by the Code) identifying and prioritising the necessary improvements to achieve full PMSC compliance. The plan should be time framed and monitored at the regular Harbours Committee meetings, and progress against the plan publicly reported.

The DP is confident that compliance can be achieved in a relatively short time period, by means of adapting the good practice in place at Weymouth to the two smaller ports, and that the Council will be able to confirm renewed compliance when next required to do so by the MCA (anticipated to be in March 2024).