

## **Item: 12**

**Policy and Resources Committee: 20 June 2023.**

**Port Marine Safety Code – Annual Compliance Audit Report.**

**Report by Corporate Director for Enterprise and Sustainable Regeneration.**

### **1. Purpose of Report**

To scrutinise the Port Marine Safety Code Audit of 9 and 10 November 2022 and consider progress with the action plan emanating from its recommendations.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That the Designated Person, David Foster, Marico Marine, undertook an audit of compliance with the Port Marine Safety Code, as part of his annual visit on 9 and 10 November 2022.

#### **2.2.**

That, as part of the Port Marine Safety Code compliance audit, an assessment was made of progress with recommendations arising from the audit.

#### **2.3.**

The Port Marine Safety Code compliance audit report, produced by the Designated Person, attached as Appendix 1 to this report, which has raised four new actions, together with those arising from previous audits, which have been implemented and acted upon.

#### **2.4.**

The Action Plan, attached as Appendix 2 to this report, associated with the Port Marine Safety Code compliance audit, which has been updated to reflect progress made as at May 2023.

#### **2.5.**

That the Port Marine Safety Code compliance audit and associated Action Plan attached as Appendices 1 and 2 respectively to this report was scrutinised by the Harbour Authority Sub-committee as the appointed Duty Holder on 23 May 2023.

**The Committee is invited to scrutinise:**

## **2.6.**

The Port Marine Safety Code compliance audit and associated Action Plan attached as Appendices 1 and 2 respectively to this report, in order to obtain assurance that action has been taken or agreed where necessary.

## **3. Port Marine Safety Code**

### **3.1.**

The Port Marine Safety Code (the Code) sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses or works in the UK port marine environment. It is endorsed by the UK Government, the devolved administrations and representatives from across the maritime sector and, while the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is intended to be flexible enough that any size or type of harbour or marine facility will be able to apply its principles in a way that is appropriate and proportionate to local requirements.

### **3.2.**

The Code has been developed to improve safety in the port marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbours or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured. The Code describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. The Code is designed to reduce the risk of incidents occurring within the port marine environment and to clarify the responsibilities of organisations within its scope. Further information on these aspects is provided below.

### **3.3. Accountability for Marine Safety**

#### **3.3.1.**

Accountability for the management of marine safety is based on these general principles:

- The duty holder is accountable for safe and efficient operations. The duty holder should make a clear published commitment to comply with the standards laid down in the Port Marine Safety Code.
- Executive and operational responsibilities for marine safety must be clearly assigned and those entrusted with these responsibilities must be appropriately trained, qualified and experienced and answerable for their performance.
- A 'designated person' must be appointed to provide independent assurance about the operation of its Marine Safety Management System (MSMS). The designated person must have direct access to the duty holder.

### **3.3.2.**

An MSMS should be in place to ensure that all risks are identified and controlled – the more severe ones must either be eliminated or reduced to the lowest possible level, so far as is reasonably practicable (that is, such risks must be kept as low as reasonably practicable or “ALARP”). Organisations should consult, as appropriate, those likely to be involved in, or affected by, the MSMS they adopt. The opportunity should be taken to develop a consensus about safe navigation. The MSMS should refer to the use of formal risk assessment which should be reviewed periodically as well as part of post incident/accident investigation activity.

## **3.4. Designated Person**

On 26 October 2017, the Council appointed Marine and Risk Consultants Limited (Marico Marine) to provide Designated Person Services to the Orkney Islands Council Marine Services. On 16 October 2020 the contract was extended by a further year. The service was retendered in 2021 and was again awarded to Marico Marine for an initial term of three years with an option for two 12-month extensions.

## **3.5. Conservancy**

### **3.5.1.**

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.

### **3.5.2.**

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.

### **3.5.3.**

Harbour authorities have duties and powers as local lighthouse authorities (or providers of local aids to navigation) and specific powers in relation to wrecks. These duties impose the following requirements:

- To survey as regularly as necessary and find the best navigable channels.
- To place and maintain navigation marks where they will be of greatest assistance to navigation.
- 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.
- To provide regular returns and other information about the authorities’ local aids to navigation as the General Lighthouse Authority may require.

## **3.6. Navigation**

### **3.6.1.**

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.

### **3.6.2.**

Every harbour is different, and the requirement to manage navigation varies from one to another. A formal assessment of navigational risk, as required by the Port Marine Safety 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.

## **3.7. Pilotage**

### **3.7.1.**

The Port Marine Safety Code refers, amongst other things, to the main powers and duties which harbour authorities (as a Competent Harbour Authority 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.
- 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.

### **3.7.2.**

A Competent Harbour Authority 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.

## **3.8. Ship Towing Operations**

### **3.8.1.**

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 principle and most direct means open to a harbour authority to control risk.

### **3.8.2.**

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.

### **3.8.3.**

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.

### **3.8.4.**

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

## **3.9. Marine Services**

### **3.9.1.**

“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.
- Byelaws and the power to give directions are available for these purposes.

### **3.9.2.**

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

## **3.10. Professional Qualifications**

### **3.10.1.**

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

### **3.10.2.**

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.

### **3.10.3.**

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

## **3.11. Accident Reporting**

### **3.11.1.**

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.

### **3.11.2.**

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).
- 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.

### **3.11.3.**

It is, therefore, essential that the marine Safety Management System 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.

## **4. Port Marine Safety Code – Annual Audit**

### **4.1.**

Marico Marine Limited, as the Designated Person, has conducted independent audits of Marine Services for the past eight years, with these audits showing continued compliance with the Port Marine Safety Code.

### **4.2.**

The Designated Person undertook the latest annual audit of compliance on 9 and 10 November 2022. The resulting report is attached as Appendix 1 to this report.

### **4.3.**

Appendix 2 to this report contains an update in relation to items raised during the latest and previous Port Marine Safety Code Annual Audits.

### **4.4.**

The update (May 2023) shows that there are 27 items on the list, with three completed and the remainder all in hand with completion dates.

### **4.5.**

The next annual Port Marine Safety Code Audit is due to commence early November 2023. The results of this audit will be considered, and a revised/updated list and associated action plan submitted to the Sub-committee in early 2024.

### **4.6.**

The Port Marine Safety Code Annual Compliance Audit, together with associated action plan, was scrutinised by the Harbour Authority Sub-committee, as the appointed Duty Holder, on 23 May 2023. In accordance with the decision of the Development and Infrastructure Committee on 7 June 2022, the annual audit report is being shared with the Policy and Resources Committee.

## **5. Human Resource Implications**

The Port Marine Safety Code Annual Audit report highlighted manning as a key area of concern, in particular the ongoing difficulty in attracting the right level and experience of candidate to the role of Deputy Harbour Master and other key positions within the Harbour organisation. Since the report was received a specialist maritime recruitment agency has been contracted to assist in fulfilling these positions as a matter of priority.

## **6. Corporate Governance**

This report relates to the Council complying with governance and scrutiny and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## 7. Financial Implications

The financial implications of the actions required to address the audit report recommendations will be covered within existing Marine Services budget for financial year 2023/24.

## 8. Legal Aspects

### 8.1.

The Council, as Harbour Authority, has certain legal duties with regard to port safety, some of which are referred to in the Port Marine Safety Code. The Code does not itself create any new legal duties but a failure to adhere to the good practice set out in it may be indicative of a Harbour Authority being in breach of the legal duties relating to port safety. The Code has introduced a national standard for every aspect of marine safety and establishes a measure by which Harbour Authorities can be accountable for discharging their legal powers and duties to run a harbour or facility safely and effectively. Ensuring compliance with the Port Marine Safety Code will assist the Council in discharging its duties as harbour authority.

### 8.2.

The Council, through its designated duty holder, is responsible for complying with the Port Marine Safety Code. This includes:

- Being aware of the organisation's powers and duties related to marine safety.
- Ensuring that a suitable Marine Safety Management System (MSMS), which employs formal safety assessment techniques, is in place.
- Appointing a suitable designated person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety.
- Appointing competent people to manage marine safety.
- Ensuring that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set.
- Reporting compliance with the Code to the MCA every 3 years.
- Reviewing existing powers on a periodic basis to avoid a failure in discharging its duties or risk of exceeding its powers.

## 9. Contact Officers

Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration,  
Email: [gareth.waterson@orkney.gov.uk](mailto:gareth.waterson@orkney.gov.uk)

James Buck, Head of Marine Services, Transportation and Harbour Master,  
extension 3600, Email: [james.buck@orkney.gov.uk](mailto:james.buck@orkney.gov.uk)

## 10. Appendices

Appendix 1: Port Marine Safety Code Audit 9 and 10 November 2022.

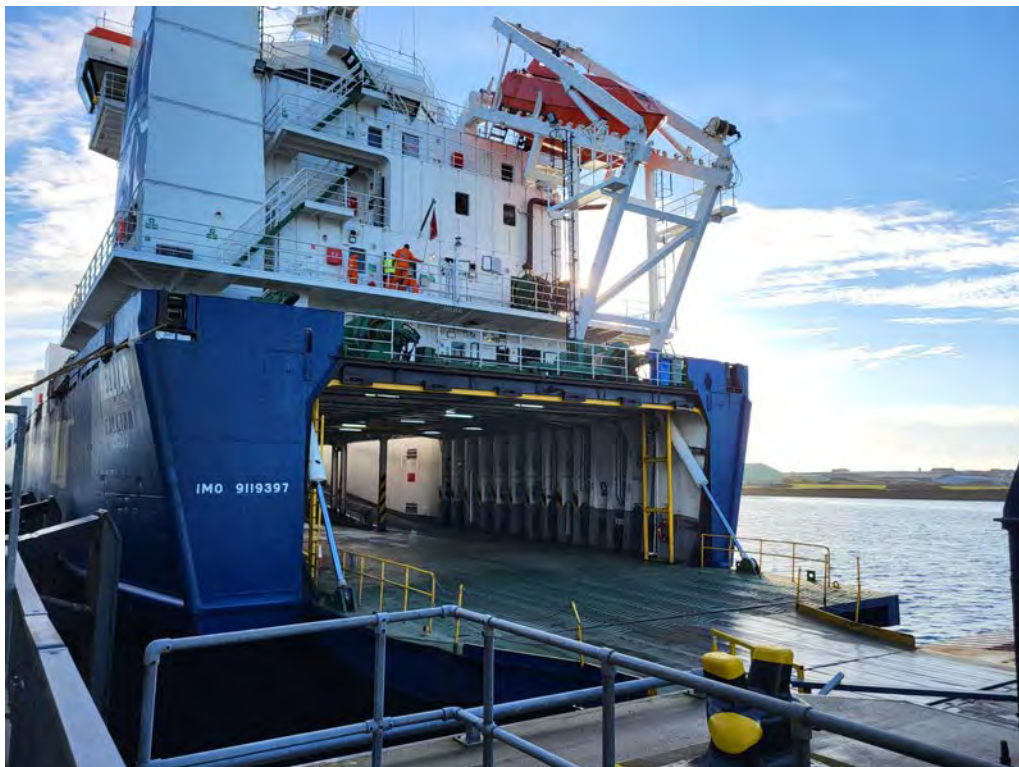
Appendix 2: Port Marine Safety Code Audit Action Plan – May 2023 Update.





## ORKNEY ISLANDS COUNCIL HARBOUR AUTHORITY

## ORKNEY ISLANDS COUNCIL HARBOUR AUTHORITY PORT MARINE SAFETY CODE AUDIT 9 AND 10 NOVEMBER 2022



**Report Number:** 21UK1779  
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**Prepared for:** Orkney Islands Council Harbour Authority

Harbour Authority Building

Scapa

Orkney

KW15 1SD

**Author(s):** D Foster and W Heaps

**QC:** S Barnet and W Heaps

Date	Release	Prepared	Authorised	Notes
23 Nov 22	Draft A	DF and WH	WH and SB	For client comment.
24 Nov 22	01	DF and WH	WH	Final.

Marine and Risk Consultants Ltd  
Marico Marine  
Bramshaw  
Lyndhurst  
Hampshire  
SO43 7JB  
United Kingdom

**Telephone:** + 44 (0) 2380 811133

**Email:** officeUK@maricogroup.com



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## EXECUTIVE SUMMARY

On 1 September 2021 Orkney Islands Council Harbour Authority (OICHA) re-appointed Marine and Risk Consultants Limited (Marico Marine) to provide Designated Person Services to the Orkney Islands Council Harbour Authority.

This Port Marine Safety Code (PMSC) compliance audit provides a baseline audit for the recently appointed Orkney Islands Council Harbour Authority Sub-committee (The Duty Holder) against which progress can be measured.

The audit was conducted by the Designated Person, Mr D Foster and by Mr W Heaps between 9 and 10 November 2022 during their visit to Orkney 6 to 11 November that also included the navigation risk assessment for the proposed Hatston Pier Development and an initial scoping of Marine Services' overall risk assessments.

Overall observations:

- Very little progress has been made on taking forward the numerous recommendations made in the previous PMSC compliance audit conducted in Dec 20;
- There is a common culture among the staff of relying upon "custom and practice" rather than referring to set laid down procedures and risk assessments;
- There has been a history of insufficient staff to conduct the day-to-day operations whilst also maintaining the management and administration of the harbours to a standard that should be expected of one of Scotland's major ports. Additional staff are being recruited and some are now beginning to join Marine Services; and
- Two key posts are currently vacant: the Deputy Harbour Master (Operations) and the Manager of the Orkney Islands Ferries.

The main findings, observations and recommendations from the audit are listed below:

- It is recommended that a MOU is drawn up between the St Margaret's Hope Pier Trust and the OICHA;
- It is recommended that the Port Handbook is revised and a new edition published;
- It is recommended that the introduction of General Directions is expedited;
- The Marine Safety Management System (MSMS) requires updating to reflect the recent re-organisation and recruitment of additional staff;
- The Duty Holder (Orkney Islands Harbour Sub Committee members) has limited powers compared with the extent of their duties, responsibilities and liabilities as set out in the PMSC;
- The Duty Holder is highly engaged with the running of the harbours and the members are particularly mindful of their responsibilities;

- The majority of the routine stakeholder meetings have been reinstated as face-to-face meetings after the restriction during Covid;
- It is recommended that progress on the goals set in the 2020 to 2023 Marine Safety Management Plan are reported upon in the Harbour Master's annual report and that consideration be given now to the potential contents of the 2023 to 2026 plan;
- The website is well laid out and easy to use but some of the content requires updating;
- It is recommended that the Navigation Risk Assessment (NRA) is reviewed after every incident investigation and, when relevant, outside incident investigation reports (e.g. MAIB Reports) come to the Harbour Authority's attention;
- It is recommended that the Duty Holder is informed of the top marine Hazards and changes made at least every three months;
- A separate brief initial study of the non-navigational risk assessments in use in Marine Services was conducted on 10 Nov 22; considerable progress had been made rationalising and standardising the systems being used since 2020. A separate, more detailed, report will be provided;
- The MSMS is well laid out and at a high level, comprehensive and straightforward to use however it requires considerable revision and additions;
- The MSMS document control is non-compliant and muddling. It is recommended that a full review of the document control procedures is conducted to ensure all users only have access to the correct edition of the MSMS;
- The MSMS needs to be expanded to capture many activities that occur on a daily basis in the form of additional Standard Operating Procedures (SOPs) which should be developed from first principles following a risk-based approach as required by the PMSC;
- It is recommended that an overall emergency training and exercise plan is developed involving all parts of Marine Services (e.g. OICHA, Tugs, Ferries, Piers etc);
- It is recommended that the procedures for handling dangerous or polluting cargoes/substances is reviewed, including the division of responsibilities between the inter island and mainland ferry companies, OICHA and OIC, to ensure the procedures remain fit for purpose;
- It is recommended that a survey policy and programme is developed and is included in the MSMS;
- It is recommended that the level of VTS service being provided is re-assessed in accordance with the recent MGN401v3 and that VTS procedures are reviewed accordingly;
- it is recommended that the relationship and responsibilities between OICHA and Orkney Marinas Ltd are formalised;
- It is recommended that the introduction of the revised Pilotage Directions is expedited;
- it is recommended that the consideration of ships towing arrangements' safe working loads are formalised and the Master Pilot Exchange Form is amended;

- It is recommended that the Pilot Training Manual is fully incorporated into the MSMS as a controlled document;
- It is recommended that the minimal requirement for regular Bridge Team Management is reviewed and pilots are given regular training;
- It is recommended that the planned pilot Continuing Professional Development (CPD) programme is developed and that a robust and transparent system of pilot reauthorisation is introduced;
- It is recommended that the regulations concerning towing in reduced visibility in the MSMS SOPs are added to the Towing Procedures held in the MARAD system;
- it is recommended that the permit system is reviewed and the procedures, criteria, and forms are added to the MSMS;
- It is recommended that mooring procedures throughout the OICHA harbours are reviewed;
- It is recommended that Marine Services review how their staff qualifications and training are monitored;
- The incident investigation procedures in the MSMS require substantial development; and
- It is recommended that the procedure and person authorised to inform the MAIB (MGN 564) of a marine incident is incorporated into the MSMS.

It is considered that the overall management of the Orkney Islands Council Harbour Authority (OICHA) is considerably below the standard that is expected of a major harbour authority handling numerous high consequence vessel types, in testing weather conditions and in an environmentally sensitive area. Many of the above recommendation have been known to the harbour authority for over two years but have not yet been taken forward.

In view of the number of recommendations listed above and the delay in taking many of them forward it is considered that OICHA compliance to Port Marine Safety Code is at best marginal.

It is recommended that a comprehensive "Get Well Plan" is drawn up, taken forward as a high priority project and progress is reported to the Duty Holder at every OICHA Sub Committee meeting.

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## INTRODUCTION

On 1 September 2021 Orkney Islands Council (OIC) re-appointed Marine and Risk Consultants Limited (Marico Marine) to provide Designated Person Services to the Orkney Islands Council Harbour Authority.

This annual audit was carried out using a checklist derived from the Port Marine Safety Code (November 2016) (PMSC) and the associated "A Guide to Good Practice on Port Marine Operations" (February 2018) (GtGP).

This audit also provides a baseline audit for the recently appointed Orkney Islands Council Harbour Authority Sub-committee (The Duty Holder) against which progress can be measured.

The audit was conducted by the Designated Person, Mr D Foster, and by Mr W Heaps between 9 and 10 November 2022 during their visit to Orkney 6 to 11 November that also included the navigation risk assessment for the proposed Hatston Pier Development and an initial scoping of Marine Services' overall risk assessments.

**Table 1 Previous OICHA Port Marine Safety Code Compliance Audits and Designated Person Visits.**

Visit Date	Purpose	Report Number	Dated
25-27 Nov 14	PMSC Audit	14UK1047	16 Dec 14
7-8 May 15	Follow up visit	14UK1047	21 May 15
27-29 Apr 16	PMSC Audit	14UK1047	2 Jun 16
9-10 Nov 16	Duty Holder Training	Nil.	NA.
4-6 Apr 17	DP liaison visit	14UK1047	12 Apr 17
4-5 Dec 17	Duty Holder Training	Nil	N/A.
5-6 Mar 18	PMSC Audit	17UK1400	15 Mar 18.
10-11 Mar 20	Harbour Master Interviews and brief review of Marine Services' Risk Assessment systems	Nil.	David Foster email dated 11 Mar 2020 sent at 1317.
2 Nov 20	Remote Duty Holder Training	Nil.	N/A.
7-8 Dec 20	Remote PMSC Audit (Covid)	17UK1400	7 Jan 21.
31 Aug-2 Sep 21	DP visit and review of PMSC compliance progress.	17 UK 1400	13 Sep 21
11 Nov 21	Remote presentation to OIC Members and Officers on PMSC	N/A.	N/A.

	compliance and progress.		
27 Apr 22	Duty Holder Training to the temporary Duty Holder during the local elections,	N/A	N/A
17 Aug 22	Duty Holder Training and PMSC compliance discussions to newly elected Duty Holder.	N/A	N/A

The following visit programme was arranged by the Harbour Master:

**Table 2 PMSC Audit Meeting Programme 9 and 10 Nov 22**

Date	Time	People
Wednesday 9 Nov 22	0845 - 1000	J Buck (OICHA - Harbour Master) D Foster (Marico)
	0845 - 1200	G Reid (OICHA - Port Safety Manager) W Heaps (Marico)
	1000 - 1100	D Sawkins (OICHA - DHM Strategy and Support) D Foster
	1100 - 1200	P Bentley (OICHA - Pilot) D Foster
	1230 -1300	K Ritch (OICHA - Ops Support Manager) K Maclver (OICHA - Marine Database Administrator) D Foster
	1300 - 1315	P Olvhoj (OICHA - Business Development Manager) D Foster
	1315 - 1330	I Muir (OICHA - VTSO) A McDonald (OICHA - VTSO) D Foster
	1330 - 1400	Adrian Clark (OICHA - Chief Engineer Ashore) D Foster
	1400 - 1630	G Reid D Foster
Thursday 10 Nov 22	0845 - 0930	G Reid W Heaps D foster
	0930 -1130	Meeting with OICHA Harbours Subcommittee



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		Cllr D Dawson Cllr G Skuse Cllr G Bevan Cllr L Hall Cllr H Woodbridge Cllr I Taylor
	1630 - 1715	J Buck W Heaps D Foster

The thirteen sections of this report follow the chapter headings used in the Guide to Good Practice on Port Marine Operations (GtGP) with cross references to paragraphs in both the PMSC and GtGP. At the end of each section there are some additional observations and recommendations.

## 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	1.5-1.6	1.3 -1.5	Is the legislation applicable to the harbour authority known and listed?	Y	Orkney Islands County Council Act 1974 and subsequent amendments.
1.2	1.3-1.4	3.11	Are the statutory duties and powers of the harbour effective for purpose?	Y	
1.3	1.6.1	3.11	Are the harbour limits of jurisdiction appropriate to the current activity of the port?	Y/N	See below.
1.4	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	Listed in the Port Handbook. See below.
1.5	1.6.2	4.2	Is the Harbour Master familiar with and does he understand the extent of his legal powers?	Y	See below.
1.6	1.9.7	4.3 -4.4	Does the harbour have Byelaws?	Y	See below.
1.7	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?	N	
1.8	1.8	4.6-4.7	Does the harbour authority have powers of Special Directions?	Y	Those authorised to give Special Directions are listed in the MSMS 5.6.
1.9	1.9	4.8-4.9	Does the harbour authority have powers of General Direction / Harbour Directions?	Y	See below.
1.10	1.9.4	3.13	Are there grounds for applying for a Harbour Revision Order?	N	
1.11	1.9.11		Does the harbour authority issue licences (e.g. port craft, local watermen or works etc.)?	Y	Works Licences led by the OIC Planning Department.
1.12	1.9.12	2.25	Is a clear enforcement policy in existence, clearly promulgated and adequately resourced?	Y	MSM 1,6.3.

## 1.1 COMMENTS

**1.3 and 1.5** There is a known anomaly in St Margaret's Hope Bay where the Statutory Harbour Authority (SHA) area of the St Margaret's Hope Pier Trust (900 yds from the pier) appears to lie inside the Orkney Islands Council Harbour Authority (OICHA) SHA area described in the Orkney Islands County Council Act 1974.

Both organisations recognise the issues and are currently collaboratively working round them.

It was recommended in the previous audit that a Memorandum of Understanding (MOU) is agreed between both parties to formalise the current arrangements. This recommendation has not yet been taken forward. This could have had the potential to have become an awkward issue during the recent investigation of the MV Alfred incident investigation.

It is recommended that a MOU is drawn up between the St Margaret's Hope Pier Trust and the OICHA. An example of a similar MOU has been provided to OICHA to assist in drafting the MOU.

Marine Services do not provide pilotage in the area.

**1.4** Parts of Edition 6 of the Port Handbook are out of date.

It is recommended that the Port Handbook is revised and a new edition published.

**1.6 and 1.9** The OICHA has four sets of byelaws:

General (1977);

Vehicle (1984);

Petroleum (1997); and

Liquefied Gases (1978).

Although rarely used, the above byelaws still provide a legal basis to manage the harbours (e.g. managing the traffic on Kirkwall Pier).

It is planned that some of the marine regulations contained in the General Byelaws will be transferred into General Directions.

**1.9** The OICHA do not currently have General Directions but they have the powers to make them.

Draft General Directions were originally prepared in 2020 to include among others matters:

1. Regulations transferred from the General Byelaws;
2. The management of recreational diving;
3. Introduction of speed limits; and
4. Small commercial craft registration.

Although draft General Directions were originally prepared in 2020 and have been comprehensively reviewed internally they have still not gone out for public consultation prior to being brought into force.

It is recommended that the introduction of General Directions is expedited.

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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
2.1	2.1.1	1.6-1.8	Is the duty holder defined and published?	Y	The Orkney Islands Council Harbours Sub Committee.
2.2	2.2	1.1	Has the organisation published a commitment to comply with standards laid down in the Code?	Y	Signed by Mr D Dawson 24 May 22.
2.3	2.2.5	1.1 1.13- 1.17	Are the executive and operational duties stated and assigned?	Y	MSMS 1.3.4 See below.
2.4	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	See below.
2.5	2.2.22, 2.2.23	1.2	Do new Duty Holders receive PMSC training as part of their induction?	Y	All members of the Harbour Authority Sub Committee received Duty Holder Training 17 Aug 22 on assuming the role of "Duty Holder".
2.6	2.2.20	1.9, 1.14- 1.15	Has a Harbour Master been appointed?	Y	Cdr J Buck since 8 Jun 20.
2.7	2.1.1, 2.2.21 2.2.25-38	1.11- 1.12	Has a designated person (DP) been appointed?	Y	Mr D Foster, Marico Marine.
2.8	2.1.21 2.2.26	1.11	Does the DP have sufficient independence?	Y	
2.9	2.2.25	1.11	Does the DP have direct access to the Duty Holder?	Y	
2.10	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	Including as a standing agenda item at the monthly Harbour Authority Sub Committee briefing.
2.11		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	Signed by Mr G Sinclair in Feb 21.

## 2.1 COMMENTS

2.3 The MSMS's section on operational duties requires updating to reflect the recent re-organisation and recruitment of additional staff.

**2.4** The Orkney Islands Harbour Authority Sub Committee shoulder the full duties, responsibilities and liabilities of the “Duty Holder”; however they have limited financial and recruiting powers within the overall council organisation to enable them to fulfil their role completely without deferring to the full council.

The Duty Holders are thoroughly briefed by the Marine Services monthly; the members are highly engaged with the running of the harbours and are particularly mindful of their responsibilities.

### 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
3.1	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	MSMS 1.7. See below.
3.2	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	Will be required for the new edition of Pilotage Directions and the new General Directions.
3.3	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/N	See 3.2 above. Internal consultation has been conducted for both the new edition of Pilotage Directions and the new General Directions. Public consultation is yet to take place.
3.4	3.2.10-11		Has the organisation established stakeholder advisory or consultative committees?	Y	MSMS 1.7. See below.
3.5	3.2.12	2.17	Are plans, reports, information and/or advice affected by or affecting harbour users communicated effectively to them?	Y	Placed on the agenda of the appropriate stakeholder meeting.
3.6	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	See below.



3	GtGP	PMSC		Y/N	Comment
3.7	3.1.4, 5.1.6	2.17	Does a communication channel exist with employees / contractors affected by the MSMS?	Y	See below.
3.8	3.2.12	2.28	Does the organisation utilise web sites to publish marine procedures and reports?	Y	See below.

### 3.1 COMMENTS

**3.1 and 3.4** The Harbour Authority conducts a comprehensive programme of stakeholder consultations, listed in the Marine Safety Management System including:

- Community Councils – Six monthly;
- Northlink - Quarterly;
- Flotta – Quarterly;
- Orkney Ferries Limited - Daily;
- Cruise and tourism stakeholders – Six monthly;
- Local Fishing Organisations -Annually or when required;
- Fish Farming - Quarterly;
- Recreational Diving Boat operators – Annually at the end of the season;
- Recreational users - Quarterly; and
- Orkney Marinas Ltd – Quarterly.

The majority of the above meetings have been reinstated as face-to-face meetings after the restriction during Covid.

**3.7** Communications with the OICHA workforce is achieved via:

- Six monthly Safety meetings;
- Six weekly Marine Services (MS) team meetings and information passed down by line managers;
- Twice weekly Operational meetings (Tuesday and Friday);
- DHM(Ops)'s weekly informal emails sent to all MS staff including to the remote pier staff; and
- Programme of visits by DHM(Ops) to all harbours.

**3.6** The current Marine Safety Management Plan for 2020 to 2023, signed by the then chairman 1 Apr 20, remains in date.

It is recommended that progress on the goals set in the 2020 to 2023 Marine Safety Management Plan are reported upon in the Harbour Master's annual report and that consideration be given now to the potential contents of the 2023 to 2026 plan.

**3.8** The website is well laid out and easy to use but some of the content requires updating.

## 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
4.1	4.1.1	2.7-2.11	Has a formal navigation risk assessment (NRA) been carried out for the organisation?	Y	See below.
4.2	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	
4.3	4.2.23	2.7, 2.12	Have risk controls been properly applied?	Y	
4.3	4.2.28	2.8	Has the NRA been carried out by suitably qualified people?	Y	Marico Marine.
4.4	4.1.5	2.11	Have stakeholders been consulted on existing or new risk assessments?	Y	
4.5	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	See below.
4.6	4.3	2.9	Does the NRA process allow for special circumstances (e.g. "Dynamic RA" for an unusual operation or event)?	Y	STS Operations coupled with SOPs.

4	GtGP	PMSC		Y/N	Comment
4.7	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)?	N	See below.
4.8	4.1.6	2.9	Is the NRA available to those they affect?	Y	On demand.
4.9	3.3.		Are other port user risk assessments (e.g. towage and line handling etc.) taken into account?	Y	Majority are within the Marine Services overall operation.
4.10	4.3.7	2.7-2.11	Does the NRA output rank hazards by risk score?	Y	An integral part of the Hazman system. Set.
	4.3.7		Is the Duty Holder aware of the top risks?	N	See below.

## 4.1 COMMENTS

4.1 The OICHA Navigation Risk Assessment is split into three registers:

- Scapa;
- Kirkwall; and
- Other harbours.

4.5 A remote review of the OICHA Hazman Navigation Registers was conducted on 9 Nov 22 that show:

- Scapa – Two Controls are due for review.
- Kirkwall – No Hazards or Controls are due for review.
- Other harbours – One Hazards is due for review.

However there is little evidence that much has been actually changed or that any stakeholder consultation took place.

4.7 There is little evidence that a review of the relevant Hazard(s) in the NRA is conducted as standard practice after action on completion of every incident investigation despite being part of the MSMS Standard Operating Procedures (SOP 02-004).

It is recommended that the NRA is reviewed after every incident investigation and when relevant outside incident investigation reports (e.g. MAIB Reports) come to the Harbour Authority's attention.

4.10 The new Duty Holder has not been briefed on the top Ranked Hazards in the NRA. It is recommended that the Duty Holder is comprehensively briefed of the top Hazards as soon possible and thereafter of any changes made at least every three months (this is a standard Hazman Report output).

**Marine Services Risk Assessments**

On 10 Nov 22 the Marico team conducted a separate brief initial study of the non-navigational Risk Assessments in use in Marine Services to establish:

- A list all the risk assessments being used in Marine Services;
- The methodology being used;
- The “owner” of each risk assessment; and
- The review interval and when each was last reviewed.

All departments participated with the exception of the ferries who had nobody available.

It was found that considerable progress had been made rationalising and standardising the systems being employed since the issue was first raised in Dec 20. A separate, more detailed, report will be provided.

## 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
5.1	5	2.12	Is there a documented MSMS?	Y	See comment.
5.2	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? -		
	5.1.5, 5.1.6		Policy statements: Code compliance, Navigation, Pilotage, Marine Conservancy, Environmental, Enforcement and Prosecution.	Y	See comment.
	Annex A		National and local legislation;	Y	Manual and appendices.
	5.1.11		Control of ship movements;	Y	SOPs.
	5.1.11		Environmental impact;	Y	But only policy – procedures may be responsibility of Environmental department but should be referenced from Manual.

5	GtGP	PMSC	Y/N	Comment
	2.2.9		Y	Policy statement. Procedures less clear (e.g. pier operations procedures).
	5.1.9		Y	In manual section 1. Opportunity to clarify division between the Harbour Master's Harbour Authority (PMSC) responsibilities, and other responsibilities (ferries, marine services, airports, etc).
	5.1.11		Y	Marine safety procedures;
	5.1.12		Y	Incident and near miss recording and analysis;
	6.1.1		Y	Mainly Oil Pollution. Other plans exist but not clearly referenced.
	12.2.1, 12.11		Y	Qualifications, recruitment and training;
<b>5.3</b>	5.1.12	2.14	Y	Does the MSMS contain a procedure for measuring performance including a database to record incidents and near misses? Manual and SOPs. Marine incidents in Hazman. Very low incident reporting rate.
<b>5.4</b>	5.1.13	2.14	Y	Does the MSMS include processes for effective (annual) internal audit, review of procedures and external audit? Internal audits have been completed as per procedure. External audits by DP.
<b>5.5</b>	4.2.5	2.10	Y	Does the MSMS review process include risk assessment review and are lessons learnt applied to relevant procedures? SOP 02-004.
<b>5.6</b>	5		Y	Is the MSMS user friendly? See comment.

## 5.1 COMMENTS

An in-depth review of the Marine Safety Management System was conducted by Mr W Heaps AM 9 Nov 22.

**5.1** Overall the MSMS is well laid out and at a high level, comprehensive and straightforward to use. However, document control and versioning was in need of improvement. This was recognised by the SMS manager who sought and was given advice. In practice SOP 01-001 gives the procedure for document control

and this should be reviewed to ensure it is fit for purpose, and then followed. Thought should be given to whether each individual SOPs and forms should be updated with same revision numbers / issue data as the manual. (The author recommends that each individual document is individually dated).

Document control was particularly non-compliant. The manual states that the controlled version is the one on the Council website, but this was very out of date compared with others viewed in the offices. Versions of the manual (acknowledged to be uncontrolled, but in practice in use) were found at the following locations:

- SMS Manager's hardcopy
- VTS hardcopy
- Kirkwall Pier hardcopy
- At least three digital copies on the files server in different folders (not including those in archive folders)

Of the seven versions (including the website) seen during the brief sampling session, only two (SMS manager paper copy, and one of those on the file server), were the same and current (last updated 29 Sept 2022).

In the VTS ops room, a useful and neat folder of relevant extracts from the SOPs was readily available for quick reference. However, there was no document control, or obvious date, and no responsibility for updates assigned. It is likely that at least some of the content had been superseded.

The review of the document control procedure recommended above should address all of these issues, and in particular give clear procedures for ensuring the website version is up to date, if this is to be the controlled copy. All staff and users should be made aware (and formally acknowledge) that the only controlled version of the document is the one on the website.

**5.6** While the MSMS manual is a very concise and user-friendly document, supported by good procedures, there was little evidence that users regularly accessed the document in paper or digital form, and when they did, it appears that there was a good chance that a superseded document would be used.

Once the improvements to document control recommended above have been implemented, all departmental computers should be updated to include a direct shortcut to the controlled document(s) and all old versions removed and or archived to a private area of the server where they cannot be accidentally accessed.

**General observations** While the MSMS is a good foundation for future improvement, it was noted (especially during a brief visit to Kirkwall Pier Office) that many daily procedures are not captured in the SOPS, and that a great reliance is placed on custom and practice. There was no clear link seen between risk assessment, development of Safe Systems of Work, and then documented procedures and records for many operations at the pier (vessel booking and berth allocation procedures, Mooring and cargo / passenger operations, general pier operations, traffic management, public access etc). In practice, however, staff interviewed were experienced, knowledgeable and working safely, as well as submitting required reports in the absence of any documented procedure.

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Incident reporting is at a very low level compared with other ports with similar traffic levels, and there is no clear analysis of incidents beyond listing numbers in the annual report. It is reasonable to expect that under-reporting of incidents is leading to an under-estimation of risk.

During the visit to Kirkwall pier the auditor was particularly concerned that obviously foreseeable hazards (public access to operational areas) appeared to be largely uncontrolled (or at best inadequately) controlled. A very high-level risk assessment was available (which had identified slightly elevated risk levels for some hazards) but there was no evidence this had led to increased controls, revised procedures or any changes to working practices, despite everyone being aware “an accident was waiting to happen”.

***This observation (while not new) is considered to be a high level risk for the Duty Holder***

Landside procedures (at all OICHA facilities) should be urgently risk assessed and SSOWs and procedures developed and documented from first principles.

**Overall** There are two urgent issues to be addressed in respect of the MSMS:

1. The existing documentation, while broadly fit for purpose, needs to be properly controlled, and then made known to, and importantly *used* by staff and stakeholders;
2. The MSMS needs to be expanded to capture many activities that occur on a daily basis in the form of additional SOPs which should be developed from first principles following a risk-based approach as required by the PMSC.

## 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
<b>6.1</b>				Does the organisation have emergency plans for:
	6	2.14,3.9	Y	Marine Safety Plan. Aug 22.
	6.4		Y	MCA approved Jul 19. Briggs Marine remain the Secondary Responder.
	6.2.5		Y	HSE approved Nov 22.
<b>6.2</b>	5	2.14	Y	Are emergency plans included in or referred to in the SMS?
<b>6.3</b>	6.1.2	3.9	Y	Orkney Islands Emergency Plans.
<b>6.4</b>	6.8.13		Y/N	Does the organisation have a published exercise programme and carried out exercises? See below.
<b>6.5</b>	6.2 6.3		Y	Does the SMS address the handling of dangerous or polluting cargoes/substances? See below.

### 6.1 COMMENTS

**6.4** Apart from the exercise requirements set out in the MCA approved OPRC plan Marine Services do not have an overall exercise plan or programme. It is recommended that an overall emergency training and exercise plan is developed involving all parts of Marine Services (e.g. OICHA, Tugs, Ferries, Piers etc).

**6.5** It is recommended that the procedures for handling dangerous or polluting cargoes/substances are reviewed, including the division of responsibilities between the Island and mainland ferry companies, OICHA and OIC, to ensure the procedures remain fit for purpose.

## 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 river bed 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
7.1	7.1.1	3.6	Does the harbour authority understand its conservancy duties?	Y	
7.2	7.2	3.6-3.7	Does the harbour authority: Carry out regular hydrographic surveys;	Y	See below.
	7.2.15		Maintain navigation marks in optimum position;	Y	
	7.2.17		Monitor changes in the sea or river bed;	Y	
	7.3		Keep proper hydrographic and hydrological records.	Y	
7.3	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	One of the requirements for the hydrographic survey contractor after a final check by OIC.

7	GtGP	PMSC		Y/N	Comment
7.4	7.1A, 7.1.1	3.6	Does the Harbour Authority have procedures for ensuring NAABSA berths are safe?	NA	No commercial NAABSA berths.
7.5	(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	Defects are reported by the Technical Department online to the Northern Lights Board (NLB).
7.6.	7.5.1, 7.5.5	4.21 - 4.24	Is the Harbour Authority the LLA?	Y	
7.7	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	By Marine Services and by the NLB under contract.
7.8	7.4.1		Does the Harbour Authority have the statutory powers to dredge in their local legislation?	Y	Not for disposal.
7.9	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	
7.10	7.6	4.26	Does the harbour authority have appropriate powers and a defined policy on wreck removal and salvage?	Y	
7.11	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?	N	On a case-by-case basis in combination with the Council Planning and Marine Planning sections. (e.g. the proposed Scapa Deep Water Quay).
7.12	7.4	3.8	Does the Harbour Authority exercise its general duties with regard to nature conservation and other related environmental considerations?	Y	E.g. Local ballast water regulations for ship to ship (STS) transfers.
			Are there any nature conservation areas in the vicinity of the SHA?	Y	

## 7.1 COMMENTS

7.2 There is currently no written survey policy in the MSMS; the programming of hydrographic surveying relies mainly upon custom and practice (e.g. conducting a check survey on Hatston Pier prior to the cruise season).

It is recommended that a survey policy and programme is developed and is included in the MSMS.

There are currently no surveys outstanding.

OIC have recently issued an invitation to tender for a comprehensive five-year survey programme.

## 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
8.1	8.4	2.13	Does the harbour authority maintain any form of traffic monitoring?	Y	
8.2	8.4.3, 8.4.9		Has the need for LPS or VTS been formally assessed?	Y	Listed as a mitigation measure in the NRA.
8.3	8.4.12, 8.4.3-17		Is the current level of service appropriate?	NK	See below.
8.4	8.75	3.3	Does the Harbour Authority have LPS / VTS procedures?	N	VTSOs use the MSMS rather than a separate manual. Both the hard copy of the MSMS and locally produced extract are out of date. See 5.1.
8.5	8.7.15-17		Does the Harbour Authority enforce the requirement for a Port Passage Plan for visiting vessels?	Y	Combined with Master Pilot Exchange (MPX).
	8.7.21		Does the Harbour Authority provide abort procedures?	N	Left to the discretion of the pilot and agreed as part of the MPX.
8.6	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	Suggestions discussed at the Pilotage Management Committee meetings.
8.7	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	E.g. the debate surrounds the policy of handling a Russian tanker at the onset of the Ukrainian War.

8	GtGP	PMSC		Y/N	Comment
8.8	9.4.	4.11, 4.12	Has the organisation identified the needs for pilotage through risk assessment?	Y	Listed as a mitigation in the NRA.
8.9	8.9		Does the harbour authority operate harbour patrols?	Y	When required. SOP 05-008.
8.10	8.10.1- 11		Does the harbour authority have to accommodate operations or events outside normal commercial activity?	Y	
8.11	8.11		Are there subsea pipelines and/or power cable in the SHA? If so, is their protection contained in the MSMS?	Y	
8.12	8.10.22- 26		If applicable is there effective liaison between organisation and marina(s)?	Y	The marinas are owned by OIC. Regular liaison meetings See 3.1 and 3.4. See below.

## 8.1 COMMENTS

**8.3** It is recommended that the level of service being provided is re-assessed in accordance with the recent MGN401v3 and that VTS procedures are reviewed accordingly.

8.12 The yacht marinas In Kirkwall and Stromness are owned by OIC and managed by Orkney Marinas Ltd. It is understood that there is no written agreement between OICHA and Orkney Marinas Ltd; it is recommended that the relationship and responsibilities between the two organisation is formalised.

## 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
9.1	9	4.11	Does the harbour authority provide pilotage?	Y	See below.
9.2	9.4.14-17	4.12	Has the harbour authority issued pilotage directions?	Y	See below.
9.3	9.4.1	4.11	Is the pilotage provision continuously updated through risk assessment?	Y	Remains a listed control measure in the NRA.
9.4	9.3		Is there a suitable Master/Pilot exchange including a Pilotage Passage Plan and are records maintained?	Y	See below.
9.5	9.5	4.15, 4.16	Does the harbour authority issue Pilotage Exemption Certificates (PEC)?	Y	Managed by DHM(Ops). Current PEC numbers were not available due to the departure of the DHM(Ops).



9	GtGP	PMSC	Y/N	Comment
9.6		4.15		Does the harbour authority maintain:
	9.5.6, 9.5.18		Y	PEC syllabus.
	9.5.16		Y	PEC tripping records.
	9.5.6		Y	PEC qualification and revalidation records.
9.7	9.4.31	4.14	Y	Is there a formal training scheme for pilots as per the international recommendations contained in IMO resolution A960?
	9.4.31		N	Are pilots trained in Bridge Team Management?
9.8	9.4.31, 9.5.6	4.13	Y/N	Does the harbour authority regularly monitor the competence and fitness of pilots and PEC holders?
9.9	9.4.45	4.13, 4.16	Y	Are pilots and PEC holders subject to a disciplinary procedure?
9.10	9.4.11		N	Does the harbour authority sub-contract pilotage?
9.11	9.4.30	4.13-4.14	Y/N	Does the harbour authority have formal agreements with pilots and pilotage sub-contractors regarding training, revalidation, competence and discipline?
9.12	9.1.1A	4.11	Y	Are pilotage resources kept under review against requirements?
9.13	9.4.18, 9.4.19	4.14	Y	Are pilot boarding and landing arrangements subject to formal risk assessment and specific operational procedures?
9.14	9.4.20	4.11	N	Does the LPS/VTS require confirmation that the vessel complies with the pilot boarding arrangements?

## 9.1 COMMENTS

9.1 There are currently five Class I pilots plus one pilot working towards Class 1.

**9.2** Orkney Pilotage Directions have been under review since 2020; a new edition has been drafted and it is understood they are now finally ready to go out for mandatory stakeholder consultation.

It is recommended that the introduction of the revised Pilotage Directions is expedited,

**9.3** In the 2019 PMSC Audit report the following observation was made:

*"The Harbour Authority may wish to consider adding the Safe Working Load of the vessel's towing arrangements to the Master Pilot Exchange form particularly with the introduction of more powerful tugs in the near future".*

It is understood that each OICHA pilot currently includes the ship's towing arrangement safe working loads during the Master Pilot Exchange and the tug masters are fully aware of the issue.

Now that the new, more powerful, tugs have been delivered; it is again recommended that the consideration of ships towing arrangements' safe working loads are formalised and the MPX Form is amended to provide both a prompt and a record.

**9.7** OICHA pilotage standards, training and examination is managed through the "Pilotage Examining Body" (Orkney Pilotage Direction No 5).

It is understood that there is a "Pilot Training Manual"; however it was not produced at the audit and it does not appear to be a controlled document within the MSMS.

It is recommended that the Pilot Training Manual is fully incorporated into the MSMS as a controlled document.

**9.7** Bridge Team Management is included in the pilot training syllabus; however routine refresher training is not currently obligatory in Orkney.

It is recommended that the minimal requirement for regular Bridge Team Management is reviewed and pilots are given regular training.

**9.8 and 9.11** The process for monitoring PEC holders' competence and revalidation is sound (Pilotage Direction 15).

In the 2018 and 2019 PMSC Audit reports the following observations were made:

2018 - *The Pilotage Examining Body has developed a Continuation Training Plan for authorised pilots that has yet to be fully implemented or incorporated in the MSMS.*

2019 - *Progress still has to be made on updating the MSMS, pilot re-authorisation, peer group reviews and tug tripping.*

There does not appear to be any further progress since the 2020 audit.

It is again recommended that the planned pilot Continuing Professional Development (CPD) programme is developed and that a robust and transparent system of pilot reauthorisation is introduced.

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## 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
10.1	10		Does the harbour use tugs?	Y	3 x 85tbp (New) 1 x 55tbp 1 x 11tbp (Push only)
10.2	10.2		Does the risk assessment include the use of tugs as a mitigation measure?	Y	Mitigation measure in the NRA.
			Does the harbour authority have access to the towage providers' risk assessments and operational procedures?	Y	Tugs are operated by Marine Services.
10.3	10.2		Have towage services been fully assessed for suitability to the needs of vessels using the harbour?	Y	
10.4	10.3		Are the tug resources adequate for harbour needs?	Y	
10.5	10.2.3		Are tugs used in restricted visibility?	Y	SOP 05-010. See below.
10.6	10.2.3		Are any special guidelines in use for restricted visibility?	Y	SOP 05-010. See below.
10.7	10.2.8, 10.5		Are there formal liaison arrangements between Harbour Master, tug masters and pilots, including training?	Y	See below.

10	GtGP	PMSC		Y/N	Comment
10.8	10.3.10		Do the towage operators have formal procedures that are referred to in the MSMS?	Y	Towage Procedures.
10.9	10.3.10		Has the harbour authority agreed with the tug operators a policy on correct gear and procedures for towing?	Y	
10.10	10.2		Have tugs, their gear and procedures been fully integrated into the risk assessment as a risk control?	Y	See 10.2 above.
10.11	10.2	4.6	Do Harbour Masters' procedures include the facility to use special directions if masters and/or pilots propose departure from guidelines?	Y	SOP 07-002
10.12	10.3.8-13		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.	Y	E.g. Rig moves in Scapa.
	10.3.11		give written approval for such moves.	NK	
	10.3.13		train pilots in dead-ship towage.	N	

## 10.1 COMMENTS

Ship Towage Operations were not audited in detail due to absence of the Marine Superintendent Towage and Launches.

All the Towage Departments documentation is held on the ISM Code compliant MARAD system.

**10.5 and 10.6** It is recommended that the regulations concerning towing in reduced visibility in the MSMS SOPs (SOP 05-010) are added to the Towage Procedures held in the MARAD system.

**10.7** Liaison meetings between the pilots and the tug masters are held twice a year. Joint simulator training has been conducted.

## 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
11.1	11.2		Does the harbour authority exercise any powers of regulation over port craft?	Y	Managed by the Marine Services Administration. See below.
11.2	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?	Y	See below,
11.3	11.2.2	2.18	Does the harbour authority possess the competencies to carry out inspections on port craft?	N	
11.4	11.2.2, 11.2.3		Does the harbour use outside contractors to carry out inspections of port craft on its behalf?	Y	MCA and SCMS.
11.5	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	See below.

11	GtGP	PMSC		Y/N	Comment
11.6	11.4, 6.6.3		<p>Does the harbour authority control operations with a process/procedure for:</p> <ul style="list-style-type: none"> <li>Hot work;</li> <li>Bunkering;</li> <li>Engine immobilisation;</li> <li>Diving/swimmer.</li> </ul>	Y	<p>Hot Work – AHM(Ops). Bunkering – DHM(Ops) or Duty HM and VTS monitor. Engine immobilisation – DHM(Ops) or Duty HM and VTS monitor. Commercial Diving – DHM(Ops) or Duty Harbour Master and VTS monitor. See below.</p>
11.7	11.5		Does the harbour authority permit recreational diving in the harbour?	Y	Including recreational wreck diving.
11.8	11.6		Does the harbour authority exercise powers in relation to commercial vessel mooring plans and mooring parties?	Y	<p>Detailed tanker mooring plans are specified by Flotta prior to arrival. Other vessels are moored as agreed between the Master and pilot. The Safe Working Loads are marked on the bollards on the main piers.</p>
			Have mooring operations been specifically risk assessed:	Y/N	See below.
			Are suitable controls in place and effective:	Y/N	See below.
11.9	11.6		Does the harbour authority regulate the mooring of vessels in the harbour?	Y	Visitor yacht mooring buoys are laid for each season.
			Does the harbour authority ensure that mooring parties meet industry's competence standards and have access to appropriate training?	Y	Training has been given to Marine Services and John Jolly staff.

## 11.1 COMMENTS

**11.1, 11.2 and 11.5** OICHA introduced a Small Commercial Vessel Register in 2019 and it is now part of the annual harbour fees collection procedure.

It is anticipated that Small Commercial Vessel registration will be included in the new General Directions (see 1.9).

**11.6** Although there appears to be a good practical understanding of the permit systems, the procedures, criteria, and forms could not be located in the MSMS or elsewhere.

Unless they can be located, it is recommended that the permit system is reviewed and the procedures, criteria, and forms are added to the MSMS.

**11.8** In 2020, following a number of incidents around the United Kingdom the MAIB and MCA drew Harbour Authorities' attention to the hazards surrounding the mooring of vessels and, in particular, the practice of self-mooring.

Marine Services vessels have since been provided with self-mooring equipment.

It is again recommended that mooring procedures throughout the OICHA harbours are reviewed; (Port Skills and Safety have reissued SIP 005 – "Guidance on Mooring" Nov 20).

## 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
12.1	12.4, 12.5	1.16, 2.18	Does the Harbour Master hold an appropriate qualification?	Y	STCW.
12.2	12.5	1.16, 2.18	Do the Deputy and/or Assistant Harbour Masters hold appropriate qualifications?		Position vacant.
12.3	12.7	1.16, 2.18	Do VTS officers hold appropriate qualifications?	Y	1 x V103/2 (supervisor) 4 x V103/1.
12.4	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 below.
12.5	12.9	1.16, 2.18	Does the harbour authority exercise control over the training and competence of tugs crews?	Y	
12.6	12.10	1.16, 2.18	Does the harbour authority, directly or indirectly, employ suitably qualified hydrographic surveyors?	Y	Hydrographic surveys are conducted by contractors and proof of qualification is part of the tender process.
12.7	12.11	2.18	Does the organisation have a training policy and maintain training records?	Y	See below.



## 12.1 COMMENTS

**12.4 and 12.7** OIC maintains a central data base on each member of staff's qualifications, continuation training requirements and status. The system can be accessed by Marine Services' administration department but the system is cumbersome and not user friendly.

Currently the system indicates that there are 130 shortfalls in training etc; however it is not clear how many of the 130 shortfall are of people who have completed their training etc but the data base has not been updated.

It is recommended that Marine Services review how their staff qualifications and training are monitored.

## 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
13.1	13.8	2.20	Does the SMS include procedures for accident/incident investigation?	Y/N	SOP 02-004. See below.
13.2	13.4.2	2.23	Does the harbour authority follow a set procedure for informing the MAIB?	Y	By Harbour Master. See below.
13.3	13.3.6-10	2.21	Does the process separate offences for investigation by other agencies? (Police/MCA/EA etc.)?	Y	
13.4	13.11.6	2.20	Does the investigation process inform the risk assessment for review purposes?	Y/N	SOP 02-004. See below.
13.5	13.9	2.11	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?		
13.6	12.8.4	2.20-2.21	Does the investigation process link with the enforcement process?		

13	GtGP	PMSC		Y/N	Detail/Comment
13.7	13.2.2		Does the Harbour Authority understand their powers in relation to drink and drugs afloat?		

## 13.1 COMMENTS





**13.1and 13.4** The incident investigation procedures in the MSMS requires developing to include:

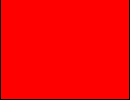

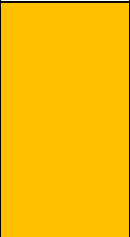

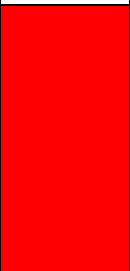
- Separating marine and shore incident investigation procedures, methods and which reporting system is to be used;
- Explaining the Hazman incident recording and investigation progress tracking system;
- Ensuring that after every investigation, however small, the appropriate NRA Hazard(s) and procedures are reviewed and updated if necessary. This should be recorded;
- Investigations should remain open until the Harbour Master is completely satisfied that all actions have been completed before formally signing of the investigation. This should be recorded;
- The results of any investigation should be promulgated to the relevant members of staff and to the appropriate stakeholders (standard stakeholder meeting agenda item); and
- The Duty Holder should be routinely briefed on all investigations that are underway and their progress towards completion.

13.2 It is recommended that the procedure and person authorised to inform the MAIB (MGN 564) of a marine incident is incorporated into the MSMS.

## Port Marine Safety Code – Audit, Update for Duty Holder

Date: May 2023

Colour Codes		High Priority with completion date		Medium priority with completion date
		In hand with completion date		Completed, will be removed at next update

Item No/Year	Colour Code	Recommendation	Date Raised	Action Owner and current status
1. 1/2023		Move away from custom and practice towards procedures.	Feb 23	Head of Marine Services and management team - over next three months.
2. 2/2023		Recruit Deputy Harbour Master (Operations).	Feb 23	Head of Marine Services – update Chair and DP on a weekly basis (Fast Stream now handling).
3. 1/2021		Agree Memorandum of Understanding with St Margaret's Hope re difference on Orkney County Council Act 1974 area and St Margaret's Hope area of jurisdiction.	Sep 21	Head of Marine Services/Deputy Harbour Master (Strategy & Support) – June 2023.
4. 2/2021		Introduce General Directions.	Sep-21	Deputy Harbour Master (Operations) – Head of Service whilst position vacant – Sept 2023.
5. 7/2021		Review personal safety issues, particularly of general public in the vicinity of harbours and piers.	Sep-21	DHM (Ops) / Port Safety Manager. Ongoing with reviews of Risk Assessments and consideration of peer reviews ie Kirkwall Piermasters review Stromness. Review and procedure in place by end of May 2023. <i>Walkways to be painted with more visible green hardwearing paint, and new signage is being put in place as we receive them.</i>

Item No/Year	Colour Code	Recommendation	Date Raised	Action Owner and current status
6.	9/2021		Sep-21	DHM (Ops) / Port Safety Manager. Part complete but will need to contact OIC Safety and Resilience Team. Have exercise plan in place by July 2023.
7.	10/2021 & 9/2023		Sep-21	Port Safety Manager. Standard Operating Procedures exist in Marine Safety Management System External consultants employed (7 Feb 2023) to carry out review. Review and any amendments to be completed by June 2023. <b>Procedures received from two of the ferry companies and now with Consultants – still awaiting documentation from third Company.</b>
8.	11/2021		Sep-21	Deputy Harbour Master (Strategy & Support). Full hydrographic survey of Scapa Flow completed late 2022. Contract for five year hydrographic survey programme awarded 2022. Ten year programme to be completed by August 2023.
9.	12/2021		Sep-21	Head of Marine Services - review completed, Pilots consulted and amendments made. Out to public consultation March 2023. Introduce July 2023.
10.	14/2021		Sep-21	Head of Marine Services - contained within 12/2021 and same timescale.
11.	15/2021 & 16/2023		Sep-21	Head of Marine Services - contained within 12/2021 and same timescale.

Item No/Year	Colour Code	Recommendation	Date Raised	Action Owner and current status
12.	16/2021		Sep-21	Port Safety Manager. Pier Master refresh/training to be carried out, vessel self mooring Risk Assessment in place 2 Feb 2023. Will check and update on refresher training by end of April 2023. <b>Mooring Course taking place on 22-24 May, to ensure all employees involved can receive training. Training supplied by Blyth Port Services, who have completed training here before.</b>
13.	18/2021		Sep-21	Assistant Harbour Master (Operations). Meeting with Ferry Services Manager held, plans and orders being placed. Implementation is weather dependent, action completed variable, but by June 2023 if possible. <b>Walkways to be painted with more visible green hardwearing paint, and new signage is being put in place as we receive them. (Not completed yet).</b>
14.	1/2022		Dec-22	Business Development Manager. Company to be commissioned to carry this out in consultation with harbour users. End of 2023.
16.	2/2023		Jan-23	Will be included in the Annual Report due to be set before Committee late 2023 or early 2024. Completion by February 2024.

Item No/Year		Colour Code	Recommendation	Date Raised	Action Owner and current status
17.	1/2022		Website well laid out and easy to use, but requires updating.	Dec-22	Business Development Manager. In hand and will be an on-going task. Will have it to date by end of April 2023.
18.	8/2023		Marine Safety Management System needs to be expanded to capture the many activities that occur on a daily basis, in the form of Standard Operating Procedures which should be developed from first principles following a risk based approach.	Jan-23	Deputy Harbour Master (Operations), Port Safety Manager. Will be completed by the staff involved before being reviewed and included in Marine Safety Management System. Completion by July 2023.
19.	10/2023		Recommended that a survey policy and programme is developed and included in Marine Safety Management System.	Jan-23	Deputy Harbour Master (Operations), Port Safety Manager. Partially connected with 11/2021. Will complete and present Policy to Harbour Authority Sub-committee by October 2023.
20.	11/2023		Recommended that the level of Vessel Traffic Services service being provided is re-assessed in accordance with MGN401v3 and that VTS procedures are reviewed accordingly.	Jan-23	Head of Marine Services and Deputy Harbour Master (Strategy & Support). External company appointed to carry out initial review. Complete review and any changes by September 2023.

Item No/Year		Colour Code	Recommendation	Date Raised	Action Owner and current status
21.	12/2023		Recommended that the relationship and responsibilities between the Harbour Authorities and Orkney Marina Limited are formalised.	Jan-23	Business Development Manager. Initial meeting with OML held December 2022. To be completed by July 2023.
22.	15/2023		Recommended that the minimal requirement for Bridge Team Management is reviewed, and Pilots are given regular training.	Jan-23	Head of Marine Services. Pilots consulted and part of new Pilotage Directions (see 12/2021) which will address regular training for Pilots. Completion by July 2023, after new Pilotage Directions are put into force.
24.	19/2023		Recommended that mooring procedures throughout Harbour Authority are reviewed.	Jan-23	Port Safety Manager. Pier Master Training to be refreshed. Risk Assessments and reviews underway. Completion by July 2023. Mooring Course taking place on 23-24 May to ensure all employees involved can receive training. Training supplied by Blyth Port Services, who have completed training here before.
25.	20/2023		Recommended that Marine Services review how staff qualifications and training are monitored.	Jan-23	Marine Database Administrator. Underway, with a schedule of qualifications and training requirements prepared. Administrator's own training on completing database held up by OIC HR - (Systems Development) not having completed Administrator's own training allowing access to input information. Completion can only take place when Database Administrator's own training completed. (This training delayed due to unforeseen staffing issues.)



Item No/Year		Colour Code	Recommendation	Date Raised	Action Owner and current status
26.	21/2023		Incident investigation procedures in the Marine Safety Management System require substantial development.	Jan-23	Head of Marine Services. The skillset for investigation procedures will be improved by Port Safety Manager and Assistant Harbour Master attending training courses. **Will be undertaken when time and personnel are available to do so. Likely to be after Cruise season ends**
27.	23/2023		Recommended that a comprehensive "Get Well Plan" is drawn up, taken forward as a high priority project and progress is reported to the Duty Holder at every Harbour Authority Sub-committee meeting.	Jan-23	Head of Marine Services. This action plan will be reported to the Harbour Authority Sub-committee meetings. Once the regular monthly briefing session has been included in the update, this item will be completed. Completion by June 2023.