



## 2.1 EXECUTIVE SUMMARY

### Introduction

Tobermory Harbour Association was granted by Scottish Ministers a Harbour Empowerment Order (HEO) over Tobermory Bay on the 10th June 2017. The Association then became the Tobermory Harbour Authority (THA) and the area, Tobermory Bay, became known as Tobermory Harbour. THA is obliged to comply with national legislation, in particular; that concerning health and safety, the Department for Transport's 'Port Marine Safety Code' and the associated 'Guide to Good Practice' of Port Marine Operations.

The THA is committed to comply with the Port Marine Safety Code. This Code requires that the THA operates a comprehensive Safety Management System. All activities which take place in or on the waters of Tobermory Bay have been subject to a risk assessment. All risks must be reduced to 'as low as reasonably practicable' (ALARP), achieved by implementing agreed control measures.

#### 2.1.1 Duty Holder

The Tobermory Harbour Authority Board is the Duty Holder. The Directors are individually and collectively accountable for compliance with the Code, and their performance in ensuring safe marine operations in the harbour and its approaches. Tobermory Harbour Authority is a Company Limited by Guarantee with an open Membership and a constitution that ensures that the company is responsible to the North Mull Community.

The Port Marine Safety Code is a standing item on the Board agenda which meets on the 1st Thursday of every month.

#### 2.1.2 Designated Person

Ron Bailey (RB) was appointed the Designated Person by the Board in September 2016. The 'Designated Person' acts as an independent Safety Auditor, to determine that the port's Marine Safety Management System is working correctly and to make any necessary recommendations on safety matters directly to the THA board. He has direct access to the Duty Holder (THA Board) and to the Harbour Master.

#### 2.1.3 Legislation

THA, as a Statutory Harbour Authority (SHA) has the power to issue General Directions or Special Directions.

- A General Direction or Harbour Direction is given by the Board and applies to all vessels.



- Special Directions may be given by the Harbour Master. These are ‘time and vessel specific and suitable for operational purposes of short duration and emergency use’.

Tobermory Harbour has reviewed the HEO powers and has found no need to seek additional powers at this time. There are no General or Special Directions currently in force, however special directions could be issued if deemed necessary by the Harbour Master.

### 2.1.4 Duties and Powers

Tobermory Harbour Authority, as a Statutory Harbour Authority, is accountable for its duties and powers. This responsibility is measured against nationally agreed standards as laid down in the Port Marine Safety Code and expanded in the accompanying Guide to Good Practice.

THA issues guidelines to harbour users, which are stated within the THA Handbook. Vessels have the right to navigate on payment of harbour dues. THA has a duty to operate its Harbour safely for the benefit of all such users. Privately owned moorings are under the control of the Harbour Authority for navigational management.

### 2.1.5 Risk Assessment

The THA as a Statutory Harbour Authority, is subject to the requirements of the Port Marine Safety Code, requiring it to comply with the definitions of risk it contains. These require that Powers, Policies, Plans and Procedures should be based on a formal assessment of hazards and risks. Harbour Authorities should have a formal Marine Safety Management System. This ensures that all risks are controlled – the more severe ones must either be eliminated or kept ‘As Low As Reasonably Practicable (ALARP)’. This is based on an evaluation of the marine physical hazards and operational systems inherent in running a Harbour and a system to control the risks consequent upon the existence of those hazards.

THA’s Marine Safety Management System is informed by and based upon a formal risk assessment model. The aim is to provide a critical appraisal of all routine and non-routine activities involving both employees and harbour users.

### 2.1.6 Marine Safety Management System

The Marine Safety Management System provides a framework for the operation of the Harbour and is in three parts:

- Risk Assessment: The Formal Risk Assessment identifies and grades the risks likely to occur within the Harbour Limits.
- Standard Marine Operating Procedures: The Operating Procedures lays down the day-to-day working practices of the Harbour.
- Emergency Response Plan: Responds to risks identified in the formal risk assessment and followed in emergency situations.



### 2.1.7 Review and Audit

The Port Marine Safety Code requires every Port and Harbour to carry out a full-scale review and audit of its entire Safety Management System at intervals no greater than three years. At five yearly intervals a complete re-examination of the port's operations and systems should be undertaken.

The internal reporting chain within the Tobermory Harbour Association is short and effective:

- The Harbour Master provided monthly reports to the Board (Duty Holder).
- The Harbour Master keep plans, policies and procedures under continuous review to ensure that they continue to provide best practice to nationally agreed standards.
- At six-monthly intervals the process of continuous assessment is to be monitored.
- Whenever change appears necessary, under the continuous assessment process, stakeholders are to be consulted before any change is implemented.
- Audit is conducted bi-annually by the Designated Person.
- Policies and Procedures are reviewed annually.
- A Marine Safety Management plan issued every 3 years.

### 2.1.8 Competence

Tobermory Harbour Authority has a duty to ensure that we have competent staff in positions of responsibility, to manage marine and navigation safety in the Bay.

In June 2017, THA employed Robert Hemming, as Harbour Master. The Harbour Master has overall executive responsibility for the compliance of the Harbour Authority's statutory safety duties and THA's health and safety responsibilities.

In January 2018, THA decided it needed to strengthen its qualified management team to ensure that there is sufficient manpower to provide a safe provision of service. In March 2018, a Trainee Harbour Manager was employed to ensure long term continuity and to secure the future management of the Port.

THA is committed to the training and development of staff to ensure competence of these roles. We are developing a training matrix and future training to ensure compliance. Working with our Designated Person and the British Ports Industry training board, we will consider appropriate qualifications and training avenues to ensure our staff have the required skills and knowledge.



In addition to this:

- Exercises and Drills are carried out under the Port's Emergency Response Plan
- The Harbour Master will organise a training schedule, subject to ongoing needs, further qualifications, refresher training or revalidation.
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- The Oil Spill Contingency Plan is a separate document and training for this is carried out by accredited OSR Training Providers.

### **2.1.9 Plan**

Tobermory Harbour has published a full Marine Safety Management Plan. This plan is a first for Tobermory Harbour.

- The first assessment of performance against this plan will take place in February 2019
- Again in 2020
- Reviewed for compliance in March 2021

### **2.1.10 Aids to Navigation**

Tobermory Harbour Authority, will provide regular updates to the Northern Lighthouse Board. The Authority also manages and maintains Fairway Buoys in the Inner Harbour.



## 2.2 MARINE POLICIES

### Statement of Policy

As required by the Port Marine Safety Code, Tobermory Harbour Authority publishes its Policies, Plans and Periodic reports, setting out how they comply with those standards.

Tobermory Harbour Association, as a Statutory Harbour Authority, is committed to providing and operating the Port as a safe Harbour for all its users and staff.

THA conducts regular reviews of all its activities and safety provisions to ensure that they remain the most appropriate and continue to be carried out to the highest possible standards of good governance and management.

THA and its officers are aware of their environmental commitments and strive to ensure that areas within the Harbour Limits are protected.

Signed on behalf of THA board of directors:

Signature  Signature .....

Date: 24<sup>th</sup> March 2018

Brian Swinbanks, THA Chair

### *List of THA marine related policies:*

- *Marine Environmental Policy*
- *Marine Training Policy*
- *Marine Navigation Safety Policy*
- *Marine Conservancy Policy*
- *Marine Pilotage Policy*



## Marine Environmental Policy

Tobermory Harbour Authority (THA) recognises that the Harbour plays an important part in the economic, environmental and social life of the community.

Protecting the environment is central to the activities of the THA. Tobermory has a unique combination of natural landscape, an historic harbour frontage and man managed landscape. Tobermory Bay is home to a wide diversity of flora and fauna.

The THA is committed to managing all marine operations in a sympathetic and responsible manner. The THA will maintain a balance in favour of sympathetic development and environmental protection when meeting commercial needs and economic growth.


To meet this commitment, the THA will:-

- Conserve the natural environment of the Bay and harbour, promote sustainable use and protect the natural and built environment.
- Continue to seek out new ways to reduce its use of natural resources including water, energy and heat.
- Undertake best practice to the prevention of pollution, waste management and sustainable recycling.

The THA will work in partnership with all relevant authorities and agencies in managing and protecting the Bay and harbour environment.

The Board of the THA will regularly review performance in regard to environmental protection with a view to continuous improvement.

Signed on behalf of THA board of directors:

Signature  Signature .....

Date: 24<sup>th</sup> March 2018

Brian Swinbanks, THA Chair



### Marine Training Policy

Tobermory Harbour Authority (THA) recognises that training of staff is fundamental to a safe, efficient and profitable operations.

The responsibility for the implementation of a training regime rests with the management. However, the Board will provide overall supervision to help achieve the aims of this Policy.

The THA Policy in respect of training is to :-

- Provide on and off the job induction training for all new employees.
- Provide an opportunity for regular discussion between management and employees concerning the employee's progress in the job and aspirations for the future in accordance with the performance review programme.
- Implement a process to identify future training needs that will enable all employees to reach the required level of competence, as specified in the job description.
- Provide a mechanism for the review and recording of competence to support job progression and staff development.
- Provide time off with pay to enable staff to train for their long-term development.

Signed on behalf of THA board of directors:

Signature  Signature .....

Date: 24<sup>th</sup> March 2018

Brian Swinbanks, THA Chair



## Marine Navigation Safety Policy

Tobermory Harbour Authority (THA) has a primary responsibility to facilitate the safety of navigation within the harbour. To meet this obligation the THA will :-

- Maintain an effective Marine Safety Management System based on a continuing assessment and risk mitigation process, in consultation with Harbour users.
- Monitor vessel traffic movement, within Harbour Limits, through the provision of a Local Port Service (LPS).
- Regularly review the effectiveness of the Local Port Service in respect of navigational safety and make improvements as necessary.
- Undertake and publish hydrographic surveys at an appropriate frequency that ensures navigational safety.
- Coordinate the removal of sunken vessels and other obstructions that are, or may become, an impediment to safe navigation.
- Provide suitable Aids to Navigation within Harbour Limits after consultation with all Stakeholders and the GLA (Northern Lighthouse Board).
- Make navigational, tidal or other relevant information available to all Harbour users.
- Provide Contingency Planning to support Emergency Responders.
- Ensure through risk assessment that all Harbour works take due regard to safety of navigation.

Signed on behalf of THA board of directors:

Signature  Signature .....

Date: 24<sup>th</sup> March 2018

Brian Swinbanks, THA Chair





## Marine Conservancy Policy

The THA will maintain, improve, protect and regulate the navigation and facilities provided for the use of local vessels operating from the harbour and vessels visiting the harbour.


The THA will implement the THA Environmental Policy to protect the flora and fauna of the harbour to maximum extent commensurate with the powers granted by the Harbour Empowerment Order.

These services will include:-

- Provision and maintenance of navigation aids.
- Surveying of the harbour on a quinquennial cycle.
- Removing wrecks and obstructions as required.

THA charges will include for the provision of these services.

Signed on behalf of THA board of directors:

Signature  Signature .....

Date: 24<sup>th</sup> March 2018

Brian Swinbanks, THA Chair



## Marine Pilotage Policy

In addition to the Marine Navigation Safety Policy, Tobermory Harbour Authority (THA) has responsibility to ensure that both the navigation and pilotage of larger vessels is carried out in a safe manner. To this aim, appropriate Risk Assessments have been completed to determine risks to traffic both approaching and within Tobermory Bay. These provide a good basis for objective assessment.


To satisfy the Pilotage Policy, further mitigation has been introduced:-

- The introduction of a Local Port Service (LPS) maintains a situational awareness of planned and unplanned traffic movements within Harbour Limits. This will allow existing vessel traffic to continue at an acceptable low level of risk, if necessary by using dynamic modelling.
- Promulgation of Notices to Mariners and Navigational Warnings.
- Prior notice of vessel's arrival by way of Pre-Arrival Notification (PAN).
- Confirming on board 'Bridge Team' management is in line with the ICS Bridge Procedures Guide with the use of Check Lists and Log keeping.
- Restricting vessel acceptance which is subject to size, manoeuvrability, machinery defects, deteriorating weather conditions and 'End of Passage' anchoring position.

Risk assessments have been reviewed and existing controls have been found to be adequate.

THA have therefore deemed that the Pilotage is not currently required, however this policy will be kept under constant review.

Signed on behalf of THA board of directors:

Signature  Signature .....

Date: 24<sup>th</sup> March 2018

Brian Swinbanks, THA Chair