

BRIGHTON MARINA

GROUP LTD

Brighton Marina Harbour Board.

Brighton Marina is committed to full compliance with all legal requirements of the Port Marine Safety Code. This document details the findings of the 2021 annual audit, carried out by the Designated Person, Peter MacGregor. There are two sections: firstly an assessment of compliance with the requirements of the Port Marine Safety Code and secondly a review against the MCA aidememoire audit checklists provided in the DfT guide to Good Practice on Port Marine Operations.

1. COMPLIANCE ASSESSMENT

The following areas were reviewed to confirm compliance:

1.1 Designated Person

In compliance with the PMSC the Designated Person is Peter MacGregor Approved Auditor for the Royal Society for the Prevention of Accidents.

1.2 Statement of policy and Responsibilities

The statement of Policy and Responsibility was approved by the Board for and on behalf of the Harbour Authority in 2018 and is reviewed annually.

1.3 Duty Holders

The Duty Holders have been formally identified as the BMHMB.

1.4 Duties and Powers

The duties and responsibilities as they relate to the management of port marine safety and the Port Marine Safety Code are:

- a) Brighton Marina Company as the Harbour Authority
- b) The Harbour Authority is the Duty Holder as defined by the Port Marine Safety Code, and has a number of powers, duties and responsibilities, including:
 - Duty to ensure an effective Safety Management System is in place as defined by the Port Marine Safety Code. This duty embraces:
 - Development and maintenance of its harbour areas to meet the requirements of port users and safe operation of its harbour areas.
 - Development and implementation of appropriate policies plans and

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- procedures.
- Ensuring that risk assessments and reviews of the safety management system are undertaken as required.
- Duty to adopt appropriate powers as required for effective enforcement of its statutory duties (Harbour Byelaws & directions).
- Responsibility for setting harbour dues at a level, which adequately funds the discharge of their duties.
- Powers to appoint a Harbour Master.
- Duty to provide marine services and facilities to meet their obligations as Harbour Authority.

1.5 Consultation and information dissemination/publication of documents.

The PMSC SMS has been developed through a process of risk assessment and consultation. Consultation is an ongoing process and relevant stakeholders were involved in the development of the PMSC SMS.

Relevant Stakeholders:

- Leisure Users
- Commercial Fishing Boats
- Commercial Charter Boats
- Employees
- Marina Residents
- Yacht Club
- RNLI
- MCA
- Local Authorities

In order to facilitate ongoing consultation, a number of user groups have been established. These groups meet on a monthly, six weekly, quarterly or annual basis and include:

- BMRA – Brighton Marina Residents Association
- BMBHA – Brighton Marina Berth Holders Association
- Premier Tenants
- Charter Fleet
- Commercial fishing fleet
- Brighton RNLI
- Harbour Users Group

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1.6 Risk assessment

All activities undertaken at Brighton Marina are assessed in accordance with the requirements of the Port Marine Safety Code and are recorded under the safe operating procedures. Known risk areas are recorded in the Brighton Marina Risk Register.

Risk Assessments are completed by staff with relevant experience for the operation in question. These risk assessments are reviewed annually unless an event or incident leads to an earlier review, noting:

- Any changes to hazards
- Any changes to the environment or situation
- If any references or notes need updating
- Do they still make sense?
- Are SOP's linked to the risk assessment where necessary

The Edge Protection Risk Assessment has been reviewed with CT and, with a number of alterations, confirms that the existing arrangements are robust and satisfactory. However due consideration will need to be made to the ongoing demographic changes to the Marina in the future, with changes made as necessary.

The Covid-19 pandemic has a considerable impact on the Commercial interests for the Harbour whereas, particularly during the most recent 'lock down', marina operations have continued as normal. All Brighton Marina stakeholders have been particularly vigilant in their application of the Covid-19 regulations and the HSE/Environmental Health have made a number of check visits and commented favourably and no improvement notices have been served.

1.7 Emergency Protocol and Response

The Port Marine Safety Code states that the Safety Management System should include preparations for emergencies and that these should be identified as far as reasonably practicable.

Brighton Marina has established emergency response plans and procedures separate to this code and procedures to address specific marine and shoreside emergency incidents.

Brighton Marina exercise emergency procedures with the blue light services whenever feasible and undertake a review and table-top procedure annually.

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An oil spill response with training and exercises was held in 2020, and Brighton Marina now has designated level 4 trained responders.

1.8 Powers and enforcement

Byelaws, directions, rules/regulations and terms / conditions are kept under constant review to ensure they remain fit for purpose.

Additional powers may be obtained through amendment of existing statutory instruments as appropriate. A process of consultation is required for amendment and issue of new Byelaws and General Directions. Currently Brighton Marina do not issue Special Directions.

Instruments currently in force (including non-statutory) are:

- Brighton Marina Act 1968
- Brighton Marina Byelaws
- Brighton Marina Rules and Regulations
- Terms and Conditions of wet and dry berthing
- Terms and Conditions – Boatyard
- Non-Tenant and Tenant contractor rules
- Harbours, Docks and Piers Clauses Act 1847

Brighton Marina is a leisure marina, as such the circumstances of bringing about a prosecution under legislation is extremely rare. Breaches of policy and rules are more likely, although not criminal.

The Port Marine Safety Code requires that all Harbour Authorities review their local legislation, in the example of Brighton Marina legislation is almost irrelevant from a harbour perspective.

The PMSC SMS interfaces with a number of other key documents. In particular:

- Oil Spill contingency plan
- Emergency Plans
- Lock emergency procedures
- Regulatory Reform (Fire Safety) Order 2005
- Tugs workboats and Marina services

Port Marine Operations within the areas of jurisdiction are summarised below:

- Vessels entering and leaving the harbour;
- Vessels moving within the harbour;
- The operation of harbour workboats, dredgers, survey craft and support

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- vessels;
- Leisure activities involving vessels and other craft including PWC and dinghy sailing.

1.9 Conservancy obligations

Brighton Marina Company Ltd (Brighton Marina Harbour Authority) has a duty under the Port Marine Safety Code to:

- Conserve the harbour so that it is fit for use as a port, and has a duty of care to ensure the harbour is in a fair condition for a vessel to use it; and to
- Provide users with adequate information about conditions within the harbour.

In order to meet these duties, Brighton Marina has the following in place:

- Survey and maintenance dredging program
- Inspection and maintenance of navigational aids
- Inspection and maintenance of locks and bridges
- Publication of information through Notice to Mariners

1.10 Promulgation of survey and navigation information

The Premier Marina Manager will ensure that all relevant parties are kept informed as soon as possible of any changes in the hydrographic status of the harbour or where changes within the harbour limits may impact on safe navigation using suitable warnings. The Premier Marina Manager will always inform the Harbour Master of such actions.

These warnings may first be broadcast over VHF and subsequently via Notice to Mariners and electronic communication to berth holders.

Under the lease dated 22nd June 1998 Brighton Marina Company Ltd (BMCL) holds PML responsible for hydrography within the marina. PML has an automatic tide gauge along with a number of tide boards. This information is readily available to the lock keeper.

1.11 Navigation warnings

Should PMBL become aware of any navigational hazard that is not presented on marine charts or other published navigational information, it will, having verified the report, publish suitable warnings through issue of a notice to Mariners or broadcast on the relevant VHF channel.

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Examples of such warnings may include (but not be limited to):

- Adverse weather conditions
- Changes in charted water depths
- Damaged or malfunctioning Aids to Navigation
- New or amended Aids to Navigation
- Wrecks
- Works in harbour areas
- New or temporary exclusion areas

1.12 Aids to Navigation

Trinity House

As a general light house authority under the Merchant Shipping Act 1995, Trinity House has the responsibility for inspections to all navigation aids belonging to a Local Lighthouse Authority and may give directions to the same.

Local Lighthouse Authority (LLA)

Brighton Marina is the LLA and has the power and responsibility to install and maintain navigational marks and lights within its harbour authority area or on harbour land.

Brighton Marina may not erect, remove or change any navigational mark or light without the consent of Trinity House. Changes need to be notified via notice to mariners.

Inspection and Maintenance of AtoN's

All navigational aids within the LLA are listed and inspected on a daily basis. Premier Marina maintains records of inspection and updates the PANAR system. All aids are maintained at least once annually.

Review of Navigation Aids

The effectiveness and need for new or amended aids to navigation is reviewed annually.

1.13 Dredging

PMBL undertakes all dredging works and ensures all associated licenses are obtained to undertake. Notice to Mariners are issued.

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1.14 Wrecks and Salvage

In the event of a vessel becoming a wreck the harbour authority may exercise their wreck marking and removal powers where a risk assessment indicates the wreck is likely to present an obstruction or danger to navigation.

1.15 Regulating Harbour Works

Any works to be carried out on harbour limits are planned in consultation with the Harbour Master and Premier Marina Manager to ensure the navigational safety of the harbour is not compromised.

Generic maintenance tasks are covered by SOP's.

Contractors and tenants working in the marina are required to comply with Brighton Marinas permit to access and permit to work rules.

Due to the pandemic, contractor awareness training has not been held since 2019. This should be carried out in the late summer of 2021.

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2. AUDIT CHECKLISTS

An audit of the 12 relevant checklists from the 'aide-memoire' framework, as set out in the Guide, as detailed below:

2.1 Legislation

1	GtGP	PMSC		Y/N	Comment
.1	1.1	1.1 5.1-5.31	Is the legislation applicable to the harbour authority known and listed?	Y	
.2	1.2	1.2 4.7-4.10	Are the statutory duties and powers of the harbour effective for purpose?	Y	
.3	1.4 1.5	3.4 4.8	Are the harbour limits of jurisdiction appropriate to the current activity of the port?	Y	
.4	1.3 1.15	5.2	Is the Harbour Master familiar with and understands the extent of his legal powers?	Y	
.5	1.4	4.11 4.13	- Does the harbour have Byelaws?	Y	
.6	1.5	5.1 – 5.31	Is the legislation reviewed regularly to determine if fit for purpose and adequately covers risks identified?	Y	
.7	1.8 1.9	1.2 5.3 – 5.4	Does the harbour authority have powers of Special Directions?	Y	By the Harbours, Docks and Piers Act 1847 and the Brighton Marina Act.
.8	1.10 1.11	5.5	Does the harbour authority have powers of General Direction?	Y	
.9	1.12 – 1.18	4.9 4.10	Are there grounds for applying for a Harbour Revision Order?	N	
.10	1.19		Does the harbour authority issue licences (e.g. port craft, local watermen or works etc.)?	N	

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.11	1.20	3.19	Is a clear enforcement policy in existence, clearly promulgated and adequately resourced?	Y	
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2.2 Accountability of the Duty Holder

This section identifies who is accountable for maritime safety in harbour waters and their approaches. It is based on these general principles:

- The duty holder, on behalf of the harbour authority is accountable for managing operations within the port safely and efficiently;
- Harbour authorities should make a clear published commitment to comply with the standards laid down in this Code;
- This Code represents the national standard against which the policies, procedures and performance of harbour authorities may be measured;
- Executive and operational responsibilities for marine safety must be clearly assigned, and those entrusted with these responsibilities must be answerable for their performance; and
- A 'designated person' must be appointed to provide independent assurance about the operation of its marine safety management system. The designated person must have direct access to the board.

2	GtGP	PMSC		Y/N	Comment
.1	2.1A	2.1-2.3 2.4-2.5	Is the Duty Holder defined and published?	Y	
.2	2.1B 2.2.1 – 2.2.13	2.1	Has the harbour authority published a commitment to comply with standards laid down in the PMSC?	Y	
.3	2.1D	2.1 2.10- 2.15	Are the executive and operational duties stated and assigned?	Y	
.4	2.2.19	2.3 – 2.7	Do members of the board or equivalent understand their responsibilities as "Duty Holder" and have an insight into the port's marine operation and SMS?	Y	The last meeting of the BMHMB was held remotely via Zoom in December 2020.

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.5	2.2.20	2.6, 2.11- 2.13	Has a Harbour Master been appointed?	Y	
.6	2.1E 2.2.25 – 2.2.45	2.8-2.9	Has a Designated Person (DP) been appointed?	Y	
2	GtGP	PMSC		Y/N	Comment
.7	2.1E 2.2.25 – 2.2.45	2.8 2.9	Does the DP have sufficient independence?	Y	
.8	2.2.25	2.8	Does the DP have direct access to the Duty Holder?	Y	
.9	2.2.26 42	3.18	Does the DP provide an effective level of assurance, through assessment and audit to the Duty Holder?	Y	
.10	2.2.49 2.2.50	3.23- 3.25	Has the Duty Holder sent a letter of PMSC compliance to the MCA within the last three years?	Y	

2.3 Consultation and communication

Harbour authorities should consult, as appropriate, those likely to be involved in or affected by the marine safety management system (SMS) 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.

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3	GtGP	PMSC		Y/N	Comment
.1	3.2.1- 3.2.5	3.12	Does the Harbour Authority consult appropriate stakeholders involved with or affected by the SMS?	Y	Due to the pandemic no Harbour Users (stakeholders) meetings have been held since 2019. This should be arranged for the late summer of 2021.
3	GtGP	PMSC		Y/N	Comment
.2	3.2.2 - 3.2.5	3.12	Does the harbour have any outstanding consultations for statutory procedures (HRO or Byelaw updates)?	N	
.3	3.2.6	5.5 5.20	Have users been consulted on any new General or Pilotage Directions?	Y	
.4	3.2.10- 3.2.11	3.12	Has the Harbour Authority established stakeholder advisory or consultative committees?	Y	
.5	3.2.12	3.20	Are plans, reports, information and/or advice affected by or affecting harbour users communicated effectively to them?	Y	
.6	2.2.49	3.20	Does the Harbour Authority have a Marine Safety Management Plan and routinely publish an assessment of the authority's performance against the plan?	Y	

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.7	3.3	3.12	Does a communication channel exist with internal and external stakeholders affected by the SMS?	Y	
.8	2.2.31 4.4	3.9	Are safety policies and procedures documented in, or appended to the SMS?	Y	

2.4 Risk assessment and management systems

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 SMS developed from that risk assessment and any subsequent supporting risk assessments deemed necessary as the SMS develops and evolves over time and as a result of changing trade and port usage.

The aim of a SMS 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.

4	GtGP	PMSC		Y/N	Comment
.1	4.1.1	3.5 3.7	– Has a formal risk assessment been carried out for the port/harbour?	Y	

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.2	4.1.6 4.2.4 4.2.10	3.5	Does the risk assessment address all marine hazards and a means of controlling them effectively?	Y	
			Hazards should include; collision, contact, grounding, foundering, fire and explosion within the port area, identifying key vessel types?	Y	
			Have risk controls been properly applied?	Y	
4	GtGP	PMSC		Y/N	Comment
.3	4.2.9	3.6	Has the risk assessments been carried out by suitably qualified people?	Y	
.4	3.2.8	3.5 – 3.7 3.12	Have stakeholders been consulted on existing or new risk assessments?	Y	
.5	4.1.7	3.7	Is the risk assessment routinely and regularly reviewed so that new hazards and “changed risks” are identified and addressed?	Y	
.6	4.1.7 4.2.5	3.7	Does the risk assessment process allow for special circumstances (e.g. “Dynamic RA” for an unusual operation or event)?	Y	
.7	4.1.7 4.2.6	3.7 3.15	Is any review process of the risk assessment inclusive of input from accident/incident investigations either internal or external (e.g. MAIB)?	Y	
.8	4.1.8 3.2.8 3.2.9	3.7	Are risk assessments available to those they affect?	Y	

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.9	3.2.8		Are other port user risk assessments (e.g. towage and line handling etc.) taken into account in the overall NRA?	Y	
.10	4.4	3.8 3.9	Is there a documented Safety Management System (SMS)?	Y	
.11	4.4.1 4.4.11	3.8	Does the SMS contain or refer to procedures to cover the major aspects of marine safety within the port? -	Y	
			Policy statements: (Navigation, Pilotage, Marine Conservancy, Environmental, Enforcement and Prosecution);	Y	

4	GtGP	PMSC		Y/N	Comment
			National and local legislation;	Y	
			Control of ship movements;	Y	
			Environmental impact;	Y	
			Prevention of personal injury public from marine activities;	Y	
			Roles and responsibilities of key personnel;	Y	
			Marine safety procedures;	Y	
			Incident and near miss recording and analysis;	Y	
			Emergency plans;	Y	
			Qualifications, recruitment and training;	Y	
.12	4.4.12	3.83.10 3.17	Does the SMS contain a procedure for measuring performance?	Y	

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.13	4.4.1 – 4.4.3 4.4.13 – 4.4.15	3.8-3.9	Does the SMS include processes for effective (annual) internal audit, review of procedures and external audit?	Y	Health and Safety audits are conducted regularly.
.14	4.4.2 4.4.14	3.8 3.14 3.15	Does the SMS review process include risk assessment review and are lessons learnt applied to relevant procedures?	Y	
.15	3.3 4.4.4 – 5		Is the SMS user friendly?	Y	

2.5 Emergency preparedness and response

The Code says that the SMS 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.

Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 defines the various categories of substances classified as Dangerous and refers to International Maritime Dangerous Goods Code (IMDG) for individual definitions and classifications. These Regulations apply if dangerous substances transit, or are handled, within the harbour area. Part V of the Dangerous Substances in Harbour Area Regulations 1987 covers Liquid Dangerous Substances in Bulk.

5	GtGP	PMSC		Y/N	Comment
.1	5.1 5.1.1	3.8-3.9	Does the Port/Harbour have emergency plans for		
			Marine operations;	Y	Last updated in 2021

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			Pollution (MCA);	Y	Last updated 2020
			Explosives (HSE).	N/A	
.2	5.1.1	3.9	Are emergency plans included in or referred to in the SMS?	Y	
.3	5.7	3.9	Is the harbour included in larger national or regional plans?	Y	Safe Haven and Brighton and Hove Emergency response plans.
.4	5.1 5.7.11	3.9	Does the Harbour Authority have a published exercise programme and carried out exercises?	Y	A desk top exercise needs to be held for the Harbour Board.
.5	5.2 5.3	5.7 5.10	Does the SMS address the handling of dangerous or polluting cargoes/substances?	N/A	

2.6 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 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 in the optimum positions, which are suitable for all conditions;
- To keep a 'vigilant watch' for any changes in the seabed 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.

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6	GtGP	PMSC		Y/N	Comment
.1	6.1	4.3	Does the harbour authority understand its conservancy duties?	Y	
.2	6.1.2 6.2	4.3-4.4	Does the harbour authority: Carry out regular hydrographic surveys;	Y	
			Maintain navigation marks in optimum position;	Y	
			Monitor changes in the sea or riverbed;	Y	
			Keep proper hydrograph and hydrological records.	Y	

6	GtGP	PMSC		Y/N	Comment
.3	6.1.2 6.3-6.4	4.3-4.4	Does the harbour authority take action on, and promulgate the results of surveys (including to the UKHO)?	Y	
.4	3.2.13	5.26	Is communication regularly maintained.	Y	
.5	6.5	5.27 5.29	Are Aids to Navigation maintained by the Harbour authority?	Y	
.6	6.4		Does the Harbour Authority have the statutory powers to dredge in their local legislation?	Y	

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.7	6.4.4 - 6.4.9	4.3	Does the Harbour Authority understand the consent process for capital and maintenance dredging and disposal plus monitor adherence to the consent conditions?	Y	
.8	6.6	5.30- 5.31	Does the harbour authority have appropriate powers and a defined policy on wreck removal and salvage?	Y	
.9	6.7		Do the SMS and works consent process address the possibility of interaction between works/ development/degeneration in or near the harbour and conservancy?	Y	
.10	6.4.6 – 6.4.9	4.5	Does the Harbour Authority exercise its general duties with regard to nature conservancy and other related environmental considerations?	Y	
			Are there any conservancy areas in the vicinity of the SHA?	Y	

2.7 Management of Navigation

This section relates to measures harbour authorities 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 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.

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7	GtGP	PMSC		Y/N	Comment
.1	7.1 7.5.6	5.13 5.15	Does the harbour authority maintain any form of traffic monitoring?	Y	
.2	7.2	5.15	Does the risk assessment include aspects of management of navigation?	Y	
.3	7.2 7.3	5.15	Has the need for LPS or VTS been formally assessed?	N	
			Is the current level of service (LPS/INS/TOS/NAS) appropriate?	Y	
.4	7.5 7.6	5.6	Does the Harbour Authority enforce the requirement for a Port Passage Plan for visiting vessels?	N/A	
			Does the Harbour Authority provide abort procedures?	N/A	
.5	7.2	4.3 4.4	Have the conservancy provisions (e.g. navigation aids) been assessed in relation to effective management of navigation?	Y	

7	GtGP	PMSC		Y/N	Comment
.6	7.2.5	4.2	Have the needs of all harbour users (including recreation) been fully considered in management of navigation?	Y	
.7	8.3.2	5.18	Has the harbour authority identified the needs for pilotage through risk assessment?	Y	

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.8	7.7		Does the harbour authority operate harbour patrols?	Y	
.9	7.8.		Does the harbour authority have to accommodate operations or events outside normal commercial activity?	Y	
.10	7.9		Are there subsea pipelines and/or power cable in the SHA? If so, is their protection contained in the SMS?	N/A	

2.8 Pilotage

Chapter 5 of 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) have to provide a pilotage service. It says that 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.

8	GtGP	PMSC		Y/N	Comment
.1	8.1	5.17 - 5.23	Does the harbour authority provide pilotage?	N/A	

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.2	8.3.14	5.20	Has the harbour authority issued pilotage directions?	N/A	
.3	8.3.1	5.18	Is the pilotage provision continuously updated through risk assessment?	N/A	
.4	8.3.7	5.22	Does the harbour authority issue Pilotage Exemption Certificates (PEC)?	N/A	
.5	8.3.7	5.22	Does the harbour authority maintain: PEC syllabus.	N/A	
			PEC tripping records.	N/A	
			PEC qualification and revalidation records.	N /A	
.6	8.3.34- 8.3	5.23	Is there a formal training scheme for pilots?	N /A	
			Are pilots trained in Bridge Team Management?	N/A	
.7	8.3.34	5.23	Does the harbour authority regularly monitor the competence and fitness of pilots and PEC holders?	N/A	
.8	8.3.37	5.23	Are pilots and PEC holders subject to a disciplinary procedure?	N/A	
.9	8.3.11	5.17 5.23	Does the harbour authority subcontract pilotage?	N/A	

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8	GtGP	PMSC		Y/N	Comment
.10	8.3.30 - 8.3.33	5.23	Does the harbour authority have formal agreements with pilots and pilotage sub-contractors regarding training, revalidation, competence and discipline?	N/A	
.11	8.3.11	5.18	Are pilotage resources kept under review against requirements?	N/A	
.12	8.3.18	5.18	Are pilot boarding and landing arrangements subject to formal risk assessment and specific operational procedures?	N/A	

2.9 Ships Towing 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.

9	GtGP	PMSC		Y/N	Comment
.1	9.1	5.24	Does the harbour use tugs?	N/A	
.2	9.1.2	5.24- 5.25	Does the risk assessment address use of tugs?	N/A	

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			Does the harbour authority have access to the towage providers' risk assessments and operational procedures?	N/A	
9	GtGP	PMSC		Y/N	Comment
.3	9.2	5.24	Have towage services been fully assessed for suitability to the needs of vessels using the harbour?	N/A	
.4	9.3.3	5.24	Are the tug resources adequate for harbour needs?	N/A	
.5	9.3.4	5.24	Are tugs used in restricted visibility?	N/A	
.6	9.3.4-9.3.5	5.24	Are any special guidelines in use for restricted visibility?	N/A	
.7	9.3.9	5.24	Are there formal liaison arrangements between Harbour Master, tug masters and pilots, including training?	N/A	
.8	9.3.10	5.24	Do the towage operators have formal procedures that are referred to in the SMS?	N/A	
.9	9.3.10	5.24	Has the harbour authority agreed with the tug operators a policy on correct gear and procedures for towing?	N/A	
.10	9.3.10	5.24	Have tugs, their gear and procedures been fully integrated into the risk assessment as a risk control?	N/A	
.11	9.3.9	5.25	Do Harbour Masters' procedures include the facility to use special directions if masters and/or pilots propose departure from guidelines?	N/A	

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2.10 Marine Services

Marine Services means the support activities carried out by a harbour authority 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.

10	GtGP	PMSC		Y/N	Comment
.1	10.2		Does the harbour authority exercise any powers of regulation over port craft?	N/A	
.2	10.2.2		Where port craft do not have to comply with national legislation does the harbour authority impose any form of inspection and licensing?	N/A	
.3	10.2.2		Does the harbour authority possess the competencies to carry out inspections on port craft?	N/A	
.4	10.2.2		Does the harbour use outside contractors to carry out inspections of port craft on its behalf?	Y	MCA coded craft.

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.5	10.2.3		Does the harbour authority require minimum standards for vessels operating commercially in the harbour?	Y	
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10	GtGP	PMSC		Y/N	Comment
.6	10.2.3		In the absence of legislation, does the harbour authority use formal agreements to confirm suitability of craft to which the risk assessment can refer?	N	
.7	10.4		Does the harbour authority control operations with a Permit to Work system?	Y	
			Diving/swimmer;	Y	
.8	10.4.8		Does the harbour authority permit recreational diving in the harbour?	N	
.9	10.4.10		Does the harbour authority exercise powers in relation to commercial vessel mooring plans and mooring parties?	N/A	
.10	10.4.10		Does the harbour authority regulate the mooring of vessels in the harbour?	Y	
			Does the harbour authority ensure that mooring parties meet industry's competence standards and have access to appropriate training?	N/A	

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2.11 Professional qualifications and competencies of 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.

11	GtGP	PMSC		Y/N	Comment
.1	11.1	3.13	Do key harbour authority staff hold appropriate qualifications?	Y	
.2	11.2 11.8	3.13	Does the Harbour Master hold an appropriate qualification?	Y	
.3	11.2 11.8	3.13	Do the Deputy and/or Assistant Harbour Masters hold appropriate qualifications?	Y	
.4	11.4	3.13	Do VTS officers hold appropriate qualifications?	N/A	
.5	11.5 11.9	3.13	Does the harbour authority ensure that marine operatives are suitably trained, assessed and competent to carry out their assigned roles?	Y	
.6	11.6	3.13	Does the harbour authority exercise control over the training and competence of tugs crews?	N/A	
.7	11.7	3.13	Does the harbour authority, directly or indirectly, employ suitably qualified hydrographic surveyors?	Y	

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2.12 Harbour regulations accident 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.

12	GtGP	PMSC		Y/N	Detail/Comment
.1	12.1 12.1.5	3.14	Does the SMS include procedures for accident/incident investigation?	Y	
.2	12.1	3.17	Does the harbour authority follow a set procedure for informing the MAIB?	Y	
.3	12.1.6 12.4	3.14	Does the process separate offences for investigation by other agencies? (Police/MCA/EA etc.)?	Y	
.4	12.1	3.16	Does the investigation process inform the risk assessment for review purposes?	Y	

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.5	12.1	3.15- 3.16	Does the investigation process include promulgation of results and the lessons learnt to harbour authority employees?	Y	
12	GtGP	PMSC		Y/N	Detail/Comment
.6	12.1	3.16	Does the promulgation of the findings of an investigation include the possibility of passing on findings to harbour stakeholders or other organisations, e.g. Ports Group, Harbour Masters' body?	Y	
.7	12.1 1.2	3.18	Does the investigation process link with the enforcement process?	Y	