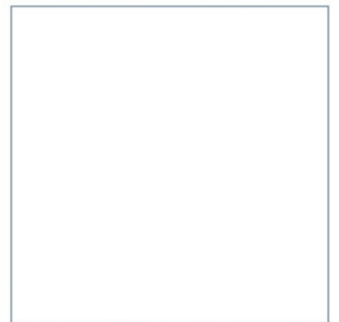
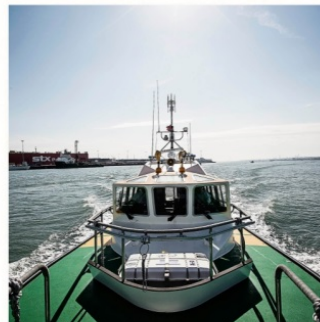
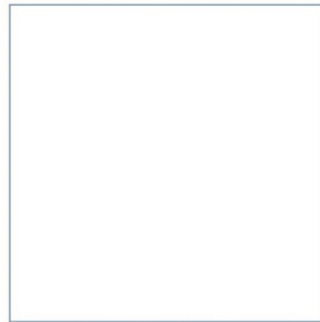


Langstone Harbour Board

Port Marine Safety Code

Audit: Langstone Harbour 2020

December 2020



Innovative Thinking - Sustainable Solutions

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Port Marine Safety Code

Audit: Langstone Harbour 2020

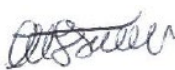

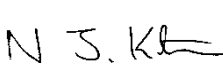
December 2020



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1 The Port Marine Safety Code

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 authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT, 2016).

In reading this audit report, the Harbour Board should note the following extract from the Code:

"The Code does not contain any new legal obligations but includes (amongst other things) references to the main legal duties which already exist. Failure to comply is not an offence in itself. However, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties. Moreover, the organisation may suffer reputational damage if it has publicly committed to the Code's standards and then fails to meet them."

(DfT, 2016)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.	1.6-1.8, 1.10, 1.16-1.17
2	Designated Person	A 'Designated Person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the Duty Holder.	1.11-1.12
3	Legislation	The Duty Holder must review and be aware of their existing powers based on local and national legislation; seeking additional powers if required in order to promote safe navigation.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
9	Plan	Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan at least every 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

1.1 About the Harbour Authority

Langstone Harbour is situated between Portsmouth Harbour to the west and Chichester Harbour Conservancy to the east. Langstone Harbour Board (LHB) is a Statutory Harbour Authority (SHA), a Local Lighthouse Authority (LLA) and a Competent Harbour Authority (CHA) in respect of pilotage. The Board was established in 1962 under the Pier and Harbour Order (Langstone Harbour) Confirmation Act, with a recent extension of the CHA area through a Harbour Revision Order (HRO) granted in 2005.

The harbour has two commercial aggregate wharves and is home to both charter fishing and commercial fishing vessels. In addition, the harbour has a large recreational community including yachts and power-driven vessels, plus a range of recreational water pursuits such as windsurfing, water skiing and kayaking. The harbour is also home to one of the largest communities of Personal Watercraft (PWC) users in the UK.

The harbour also has extensive international, European and national nature conservation status for its marine habitat.

2 Purpose and Method

2.1 Purpose of the audit

LHB has contracted ABPmer to provide Designated Person services for Langstone Harbour. Part of this service includes the provision of annual auditing to establish if the Harbour Authority is compliant with the requirements of the Port Marine Safety Code (PMSC).

The scope of the audit includes a review of Harbour Authority performance against the standard laid out within the latest edition of the Code. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

2.2 Audit definitions and outcomes

The following definitions are used in the audit report:

Non-compliance: is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The Port Marine Safety Code requires organisations to confirm compliance with the requirements of the Code. Therefore, Port Marine Safety Code audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

Non-conformity: is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the port or harbour's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

Evidence: Non-compliances and Non-conformities are identified through factual evidence sampled during the audit.

The audit report uses the following outcomes:



Non-Compliance: a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



Observation: refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with local operating instructions. Whilst observations are defined as improvement opportunities, addressed them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



Satisfactory: a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

2.3 Quality assurance

The audit was carried out on-site at Langstone Harbour Office on 6 October 2020. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), has been used as the benchmarking standard. The Appendix tables to this report contain the test questions and evidence, noting down compliance, non-compliance and observational remarks. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

2.4 Auditors

The following auditors conducted this audit.

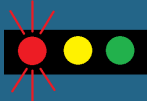

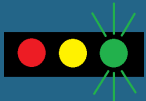
Team Member:	Initials	Company, Designation
Monty Smedley	MJS	Designated Person (PMSC): Langstone Harbour Board ABPmer, Principal Maritime Consultant Lead Auditor for Quality Management Systems (QMS ISO 9001)

2.5 Auditees

The following individuals participated in the audit.

Team Member:	Initials	Role/Designation
Billy Johnson	BJ	Harbour Master and Manager
Darren Sanders	DS	Councillor, Chair of the Harbour Board
Joe Stevens	JS	Assistant Harbour Master

3 Audit Summary

Number	Key Measures Ten-Point 'Health Check'			
1	Duty Holder	0	3	5
2	Designated Person	0	0	2
3	Legislation	0	1	5
4	Duties and Powers	0	7	48
5	Risk Assessment	0	3	4
6	MSMS	0	2	11
7	Review and Audit	0	1	4
8	Competence	0	5	3
9	Plan	0	1	3
10	Aids to Navigation	1	0	1
Total		1	23	86

The summary presented in the above table identifies that, for the ten-point health-check, Langstone Harbour Board is found to be non-compliant with the requirements of the Port Marine Safety Code.

The following non-compliance was identified in respect of Aids to Navigation:

- Following an Aids to Navigation (AtoN) inspection by Trinity House (the General Lighthouse Authority and regulator for AtoN) conducted on the 25 November 2020, it was concluded by Trinity House that: "a clear lack of maintenance was evident with numerous AtoN untended from the previous year. Three AtoN were off-station (attributed to failed moorings) and were awaiting resources to redeploy them". This is a non-compliance with the Merchant Shipping Act 1995, Section 198 and the PMSC, Section 4.21-4.24. It is recommended the LHB address the issues raised by Trinity House as a matter of urgency.

The PMSC audit identified 23 observations relating to improvement opportunities for management consideration. The following points identify the more significant items, the detailed findings being presented in Appendix A.

The following are noted:

- Marine safety objectives should be considered holistically to determine the best method for setting and recording these. A combination of setting SMART objectives in the 'marine safety plan' and reporting against these in the Annual Report should be considered.
- Marine/Navigational risk assessments were identified in the 2019 audit as an area requiring review and update with two processes in use.
- The training matrix and staff certification is a topic which requires a systematic review to ensure that records are accurate.
- A commercial craft registration scheme should be considered for craft operating in the harbour.
- Craft operated by the LHB (for example, the Delilah) should be coded for commercial use.

The audit also noted the following points of best practice:

- Enforcement and prosecution policy, and active management of harbour users is an example of best practice. This includes on the water monitoring, issuing of advice, cautions and subsequent enforcement actions.
- LHB's website information, use of leaflets and educational resource is an example of proactive engagement with the harbour community.
- The 'Guidance for Harbour Patrol Staff' issued to seasonal and permanent staff is an effective set of instructions.
- The MSMS document contains a wealth of information and has been revised consistently since 2009 and is now on its thirteenth edition. This demonstrates an intention to keep operational instructions up to date and compliant with industry changes.

4 References

DfT, 2016. Port Marine Safety Code, Department for Transport (DfT) and Maritime and Coastguard Agency (MCA), November 2016.

DfT, 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016, Department for Transport (DfT) and Maritime and Coastguard Agency (MCA), February 2018.

ISO 9001: Quality Management Systems. International Organization for Standardization.

MCA (2018). Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom. Marine Guidance Note: MGN 401 (M+F) Amendment 2. Maritime & Coastguard Agency, October 2018.,

Websites

<http://www.langstoneharbour.org.uk>

<http://www.langstoneharbour.org.uk/about-committee.php>

<http://www.langstoneharbour.org.uk/about-publications.php>

<http://www.langstoneharbour.org.uk/about-theboard.php>

<http://www.langstoneharbour.org.uk/boating-byelaws.php>

<http://www.langstoneharbour.org.uk/boating-charges.php>

<http://www.langstoneharbour.org.uk/commercial-pilotage.php>

http://www.langstoneharbour.org.uk/images/upload/files/about-safety-management_docs_pdf_2837.pdf

http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_1250.pdf

http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_341.pdf

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http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_344.pdf

http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_minutes_pdf_3169.pdf

http://www.langstoneharbour.org.uk/images/upload/files/boating-charges_docs_pdf_3066.pdf

<https://www.legislation.gov.uk/ukpga/Vict/10-11/27/section/52>

<https://www.maritimearchaeologytrust.org/langstone>

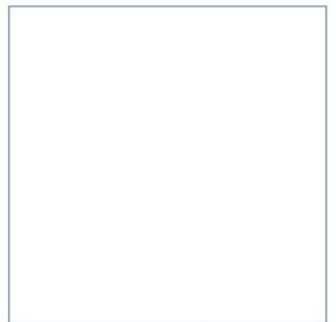
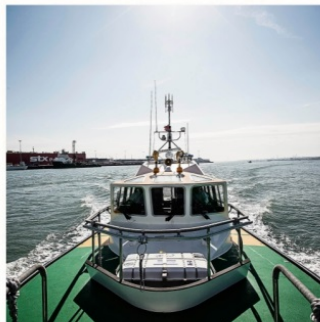
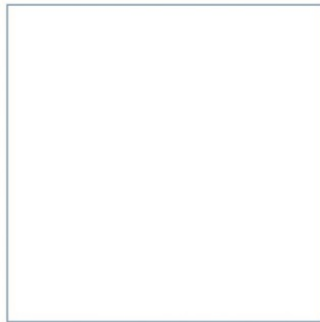
5 Abbreviations/Acronyms

AtoN	Aids to Navigation	MS Excel	Microsoft Excel
BSAC	British Sub-Aqua Club	MS Word	Microsoft Word
CERS	Consolidated European Reporting System	MSMS	Marine Safety Management System
CHA	Competent Harbour Authority	n/a	Not Applicable
Cont.	Continued	PADI	Professional Association of Diving Instructors
DfT	Department for Transport	PEC	Pilotage Exemption Certificates
FRA	Formal Risk Assessment	PMSC	Port Marine Safety Code
GLA	General Lighthouse Authority	PWC	Personal Watercraft
GtGP	Guide to Good Practice on Port Marine Operations	QMS	Quality Management Systems
HDPC	Harbours, Docks and Piers Clauses	RA	Risk Assessment
HM	Harbour Master	Ramsar	Wetlands of International Importance, Designated Under The Convention on Wetlands (Ramsar, Iran, 1971)
HRO	Harbour Revision Order	SAC	Special Area of Conservation
HSE	Health & Safety Executive	SCV	Small Commercial Vessel
IALA	International Association of Marine Aids to Navigation and Lighthouse Authorities	SHA	Statutory Harbour Authority
IMO	International Maritime Organization	SI	Statutory Instrument
ISO	International Organization for Standardization	SMART	Specific, Measurable, Attainable, Relevant, Time-Related
KPI	Key Performance Indicator	SMS	Safety Management System
LANGSPILL	Langstone Oil Spill Contingency Plan	SNPCC	Solent Navigation and Pilotage Coordination Committee
LHB	Langstone Harbour Board	SOP	Standard Operating Procedures
LLA	Local Lighthouse Authority	SOSREP	Secretary of State's Representative
LNR	Local Nature Reserve	SPA	Special Protection Area
LPS	Local Port Service	SSSI	Site of Special Scientific Interest
M+F	Merchant shipping and fishing vessels	UK	United Kingdom
MAIB	Marine Accident Investigation Branch	UKHMA	UK Harbour Masters' Association
MCA	Maritime and Coastguard Agency	UKHO	United Kingdom Hydrographic Office
MGN	Marine Guidance Notes	VTs	Vessel Traffic Services

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

Appendix



Innovative Thinking - Sustainable Solutions

A Detailed Audit Findings

A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation's Duty of Care for users of the harbour, port of facility stated?	<p>Satisfactory – the Langstone Harbour Board (LHB) 'Marine Safety Management System' (MSMS) Issue 13, Version 1.3 identifies that LHB has a duty to conserve the harbour so that it is fit for use as a safe port. This is stated in the MSMS, Section 3.7.2. LHB therefore acknowledge the Organisations duty of care for its users. Also, LHB's policy statements contain information regarding environmental duty.</p> <p>Observation – the wording 'Duty of Care for users' is not used within Policy statements. The Code references (Sections 1.4 and 3.2) the 'common law duty of care'.</p>	<p>Recommend – on the next update of the Policy, consider including 'Common Law Duty of Care' wording into Section 1.2.</p>	<p>MJS_001</p> <p>http://www.langstoneharbour.org.uk/images/upload/files/about-safety-management_docs_pdf_2837.pdf</p>	MJS
		Are local Acts and Orders identified?	Satisfactory – the MSMS, in the 'Introduction' section identifies Harbour Legislation, with a list of five Acts and Orders with the 'Pier and Harbour Order (Langstone Harbour) Confirmation Act 1962' as the principal Act.		MJS_001	MJS
		Is the Harbour, Docks and Piers Clauses Act 1847 incorporated into local Acts and Orders?	Satisfactory – the MSMS, in the 'Introduction' section identifies under the heading 'The 1847 Act' that all clauses of the Act are included, with a list of exceptions.		MJS_001	MJS
1.6 – 1.7	The Duty Holder	Has the organisation published and confirmed who the Duty Holder is?	Satisfactory – the MSMS identifies the Duty Holder to be the Langstone Harbour Board (LHB): 'Members of the Langstone Harbour Board are, jointly, the Duty Holder in accordance with the PMSC'. The LHB members and lines of authority are shown in the Organisational Plan, Section 2.2 of the MSMS. This plan identifies 'The Board (15 Members) who are listed by name on Page 5 'Members of The Langstone Harbour Board'.		<p>MJS_001</p> <p>http://www.langstoneharbour.org.uk/about-theboard.php</p>	MJS

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.6 – 1.7	Cont. The Duty Holder	Cont. Has the organisation published and confirmed who the Duty Holder is?	Observation – the listing of Harbour Board members shown on page 5 of the MSMS (dated, May 2020) does not match the version on the website. For example, the Chair and Vice Chair positions have changed. The website version was a correct account of the Duty Holders at the time of audit.	Recommend – updating the MSMS version to align with the website version.	MJS_001 http://www.langstoneharbour.org.uk/about-theboard.php	MJS
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	Satisfactory – the MSMS, Section 1.0 'Accountability for Marine Safety' states that: <i>"The Duty Holder is the Harbour Board, whose members are individually and collectively accountable for compliance with the Port Marine Safety Code."</i> This statement confirms that the Duty Holder (i.e., the Board) is responsible for compliance with the Code. The 'Standing Orders and terms of Delegation to Officers' document provides a detailed listing of duties, this document was last reviewed in June 2020. Observation – the MSMS, Section 2.1 'Organisation' states that: <i>"It is to be made clear who are the Duty Holder and the Designated Person and what their roles are"</i> . The MSMS does not contain a specific list of PMSC duties that the Duty Holder should perform. Observation – the 'Standing Orders and terms of Delegation to Officers' document is not referenced in the MSMS.	Recommend – consider revising the MSMS, Section 2.1 to include a section on Duty Holder specific duties for LHB. The listing contained in the Code, Section 1.8 would be useful to include as a minimum. Recommend – consider referencing this document in the MSMS, in relation to Duty Holder responsibilities.	MJS_001 http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_1250.pdf	MJS
1.10	The Duty Holder	Does the Duty Holder (Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	Satisfactory – safety topics are brought to the Boards' attention. An annual tour of the harbour is provided to Board members. The Board is routinely updated by the Harbour Master, minutes from the Annual General Meeting, held by Zoom on 19 June 20 sighted.		MJS_001 MJS_035 http://www.langstoneharbour.org.uk/about-theboard.php	MJS

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.10	Cont. The Duty Holder	Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	Satisfactory – LHB are briefed by the Harbour Master using Board papers and presentations. Evidence sighted, for example; Harbour Managers report Board Item. A record of 'Board Member Training Opportunities' was sighted during the audit. This record commenced in August 2020.		MJS_001 MJS_036 http://www.langstoneharbour.org.uk/about-theboard.php	MJS
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	Satisfactory – ABPmer is contracted to provide a Designated Person function. Designated Person contact information for the Designated Person is available on the port's website. The Designated Person is identified on the Organisational Plan.		MJS_001	MJS
		Is the Designated Person's role explained in the MSMS?	Satisfactory – the MSMS, Section 2.1 'Organisation' states that the Designated Person provides: <i>"independent assurance to the Board by means of an annual audit of the Marine Safety Management System. The Designated Person has direct access to the Duty Holder"</i> .		MJS_001	MJS
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 2.2.1 'Staff Roles' assigns operational responsibilities for marine safety.		MJS_001	MJS
		How is marine safety funded within the organisation?	Satisfactory – the Harbour Master/Manager can approve financial spending in line with the agreed budget. Capital items are subject to a needs case assessment, a Capital Expenditure plan and Board Level approval. The 'Standing Orders and terms of Delegation to Officers' documents authority expenditure levels.		MJS_001 http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_1250.pdf	MJS
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMS, Section 2.2.1 under the heading 'Harbour Master' states: <i>"The Harbour Master is responsible for management and control of Langstone Harbour ..., including pilotage functions, safety and conservancy. The Harbour Master also ensures that all health & safety arrangements and other safety functions of the Board are compliant with relevant legislation and government requirements for ports"</i>		MJS_001	MJS

PMSC /GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.9, 1.14 – 1.15	Cont. Harbour Master	Does an officer with responsibilities for marine safety attend Board meetings?	Satisfactory – the Manager / Harbour Master attends Board Meetings. Representatives of the advisory committee also attend LHB meetings.		http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_minutes_pdf_3169.pdf	MJS
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	Satisfactory – the MSMS, Section 2.2.1 'Staff Roles' assigns operational responsibilities for marine safety to the Authority's officers.		MJS_001	MJS

A.2 PMSC Section 2 – Key Measures Needed to Secure Marine Safety

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> MAIB digest / reports? MCA health check trends? 	Satisfactory – MAIB digest and relevant reports are shared with harbour staff during briefings and through email circulation. The MCA's Health-Check Trends document is brought to the attention of the Duty Holder.		Anecdotal	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	Satisfactory – LHB's Special Act is the 'Pier and Harbour (Langstone Harbour) Confirmation Act 1962 (as amended)'. This is referenced in the MSMS.		MJS_001	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	Satisfactory – the following revisions are also included: <ul style="list-style-type: none"> Harbour Revision Order (HRO), 1985 [changes to constitution and harbour board, provisions regarding houseboats] HRO, 1990 [Changes to borrowing powers] HRO, 1999 [Changes to constitution] HRO, 2005 [Extension of CHA area] 		MJS_001	MJS
		Have the Harbour Authority's existing powers been reviewed?	Satisfactory – LHB has applied for several HROs, providing evidence of a commitment to reviewing harbour powers. Observation – review of harbour powers is carried out iteratively.	Recommend – the establishment of a cyclic review (for example, annually at the beginning or end of the patrol season) would allow a formal opportunity to raise and document changes to powers.	MJS_001	MJS
		Is the organisation's jurisdiction mapped and clear?	Satisfactory – the Harbour Limits are mapped on the UK Hydrographic Office Chart, 3418.		Observation, UKHO Chart 3418	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.7 – 2.11	Use of formal Risk Assessment	Have risks associated with marine operations been assessed and a means of controlling them deployed?	<p>Satisfactory – there is a MS Excel set of risk assessments, currently numbering 25. In addition, there is a set of activity risk assessments grouped as:</p> <ul style="list-style-type: none"> ▪ Pilotage (10 assessments) ▪ Navigation (3 assessments) ▪ Public on the Harbour (10 assessments) ▪ Working on the Harbour (3 assessments) ▪ Employee activity on the Harbour (3 assessments) ▪ Other (nil) <p>The full list of assessments can be viewed using the Harbour Authority file storage system. At the time of audit, all assessments were in-date.</p> <p>Observation – the transfer of assessments to a common format was ongoing in October 2019 and has not been completed.</p> <p>Observation – all assessments in the MS Word document (29 assessments) were issued on the same day. This does not suggest a cyclic review is in operation.</p> <p>Observation – there is no evidence of wider port community/stakeholder engagement in the risk assessment review process.</p>	<p>Recommend – moving the Authority's assessments into a common format should be completed as a priority.</p> <p>Recommend – it is considered best practice to establish a staged programme of risk assessment review, so that each assessment (or set of assessments) can be fully considered.</p> <p>Recommend – involve and document port community/stakeholder engagement in the risk assessment review process.</p>	MJS_001 MJS_002 MJS_030 MJS_031	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	Satisfactory – the MSMS also identifies that Risk Assessments and control measures are reviewed annually.		MJS_001 MJS_002	MJS
		Is a system of Dynamic Risk Assessment used?	Satisfactory – Section 3.3 details the process used for conducting Dynamic Risk Assessment.		MJS_001	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	Satisfactory – the Harbour Master has undertaken the UKHMA Certificate of Competence which includes evidencing risk management techniques.		MJS_001	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	<p>Satisfactory – LHB issues a MSMS document which is hosted on the Authority's website. The latest version is 1.3, Issue 13, dated May 2020. The Version Control list identifies that the MSMS is issued at least annually.</p> <p>Observation – the MSMS review frequency is not explicitly stated.</p>	Recommend – adding a statement regarding MSMS review and issue frequency.		MJS
2.15	MSMS standards and KPIs	Does the MSMS detail KPIs and/or make a statement about performance in the organisation's annual report?	<p>Satisfactory – the MSMS, in the 'Introduction' section identifies that LHB: <i>"measures performance against targets, after building a database recording incidents, including near misses"</i>. Also, Section 4 'Measure Compliance' identifies that LHB will:</p> <ul style="list-style-type: none"> ▪ Monitor the Organisation's Safety Objectives. ▪ Monitor compliance with safety management programme, operational criteria and regulatory requirements. ▪ Reactively measure performance of Health and Safety (accident/incident, near miss, occupational health). ▪ Record data and results of monitoring and carry out preventative action analysis. <p>The Board's Management Plan, Business Plan and Annual Report are publicly available and posted on the Authority's website. The last annual report (published 2020) titled 'Annual Report, 2019' provides a commentary on 'Navigation and Marine Safety'. In addition, the Safety Plan for Marine Operations, approved by the Board on 12 April 2019 provides for a set of nine Safety Objectives.</p>		<p>MJS_001 MJS_003 MJS_004</p> <p>http://www.langstoneharbour.org.uk/about-publications.php</p>	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.15	MSMS standards and KPIs	Does the MSMS detail KPIs and/or make a statement about performance in the organisation's annual report?	<p>Observation – the annual report contains a commentary on monitoring and performance but does not explicitly report on individual objectives. There are a number of stated marine safety requirements/objectives, namely:</p> <ul style="list-style-type: none"> ▪ Nine Objectives set out in the 'Safety Plan for Marine Operations'. ▪ Four KPIs from the 'Measuring Compliance' section of the MSMS. ▪ One KPI from the 'Introduction' section of the MSMS. 	Recommend – that the topic of 'measuring and reporting' of marine safety objectives is considered holistically, to determine the best method for achieving this. KPIs should be clearly set, agreed with the Board and reported upon (ideally, annually) using the Annual Report.		
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety / conservancy matters?	Satisfactory – the MSMS Section 2.2.1 identifies 'Staff Roles' with a short profile on each of the following: Deputy HM, Assistant HM, Harbour Patrol Officer, Administration, Deputy Administration, Environment Officer, Seasonal Worker Engineering support is detailed in Section 2.1, 'Organisation' which described the role of the 'Engineer to the Board'.		MJS_001	MJS
2.17	MSMS Consultation	Are forum/consultation meetings held?	Satisfactory – the principal process for consultation with harbour users is the Harbour Board Advisory Committee. In Section 3.2 of the MSMS, the process of consultation is laid out. Evidence of Advisory Committee meeting, held by Zoom, on 3 September 2020 sampled during the audit. The Advisory Committee is identified on the harbour website.		MJS_001 MJS_032 http://www.langstoneharbour.org.uk/about-committee.php	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	Satisfactory – a training matrix is maintained, which identifies Harbour Authority staff with role related training requirements.		MJS_001 MJS_004 MJS_020 MJS_021 MJS_022 MJS_023	MJS
		Is there a policy on revalidation or maintenance of qualifications in place?	Satisfactory – LHB issues a 'Training Policy', the policy states that the Board is committed to national standards of competency for marine personnel and will review training needs of staff in light of changing requirements. This implies that revalidation and maintenance of qualification is carried out.		MJS_001 MJS_004 MJS_020 MJS_021 MJS_022 MJS_023	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.18	Cont. Competence standards	Cont. Is there a policy on revalidation or maintenance of qualifications in place?	Observation – wording regarding revalidation and/or maintenance of qualifications is inferred, but not stated in the training policy.	Recommend – the training policy could have the wording added to confirm that 'revalidation and/or maintenance of qualifications is fully supported and resourced by the Board'.	MJS_001 MJS_004 MJS_020 MJS_021 MJS_022 MJS_023	MJS
		Is there a list of the organisation's staff, training received, qualifications held and/or experience required for their role?	<p>Satisfactory – a training matrix is maintained, which identifies Harbour Authority staff with tick box and dates fields where qualifications are held. A cross check of qualifications held on file with the training matrix was carried out.</p> <p>Observation – the training matrix contains both 'tick' (sheet 1) and dated fields (sheet 2), with a final 'dated' table. The recorded dates pertain to the date on which the course was originally completed. For qualifications that time expire (Oil Pollution, First Aid etc.) it is necessary to work out renewal dates.</p> <p>Observation – discussions during the audit identified that certification was an area that required checking and updating.</p> <p>Observation – Pilot training is not listed in the training matrix (see also Audit Report Section 4.14, GtGP 9.4.31).</p> <p>Observation – port records identified that seven of the Duty Holders had received 'Duty Holder Training' and eight had not attended training (a briefing is given by the Harbour Master during induction).</p>	<p>Recommend – that the training matrix spreadsheet is reviewed and updated to include a method of recording a) course date completion, and b) expiry date.</p> <p>Recommend – that once the training matrix has been updated to provide completion and expiry dates (see previous audit recommendation) then a full check of staff certification held on file, with records is carried out. Updates should be made as necessary.</p> <p>Recommend – that Pilot Training is recorded in the training matrix.</p> <p>Recommend – ensuring that all Duty Holders are offered an opportunity to attending training. Consider the benefit in recording this as a training KPI.</p>	MJS_001 MJS_004 MJS_020 MJS_021 MJS_022 MJS_023	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> reporting recording of incidents investigation enforcement (if relevant). 	Satisfactory – the MSMS, Section 5 'Review' details that: <i>'Investigations of marine incidents have two essential purposes ...'</i> ; the MSMS details the requirement of the Harbour Authority to investigate to prevent a recurrence or to determine if an offence has been committed. The MSMS in Section 'Introduction' details 'Marine Accident Report and Investigation', referencing MGN 564 and the 'Merchant Shipping (Accident Reporting and Investigation) Regulations 2012'. Incident records are presented in the Annual Report.		MJS_001 MJS_003	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	Satisfactory – the MSMS, Section 5 'Review' identifies that: <i>'...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'</i> . The Harbour Authority's emergency plan identifies liaison with Police.		MJS_001	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	Satisfactory – information is supplied to relevant parties. An example of an MAIB investigation was provided as evidence.		MJS_005	MJS
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	Satisfactory – the MSMS in Section 'Introduction' details 'Marine Accident Report and Investigation', referencing MGN 564 and the 'Merchant Shipping (Accident Reporting and Investigation) Regulations 2012'. Evidence of reporting to the MAIB and their response was provided as evidence.		MJS_001 MJS_005 MJS_006	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	Satisfactory – annual external audit of the MSMS is carried out by the Designated Person. The revision history shows annual publication between 2008 and 2020.		MJS_001	MJS
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	Satisfactory – there is a clear intention to use enforcement by the Harbour Authority. This is evidenced through the Enforcement Procedure and 'Guidance for Harbour Patrol Staff'. Instructions are summarised in the harbour's SOPs. Evidence of Caution Forms and Patrol Officer incident forms sighted.		MJS_007 MJS_008	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.25	Cont. Enforcement	Is there a policy on enforcement and prosecution in place?	Satisfactory – LHB publish an 'Enforcement and Prosecution Policy'. This identifies that The Langstone Harbour Byelaws were made in 1994 and that contravention of Harbour Byelaws may result in prosecution through the Magistrates' Court. The policy also covers suspension or withdrawal of licences and permits. The policy was approved by the Board on 21 June 2019.		http://www.langstoneharbour.org.uk/images/upload/files/about-safety-management_docs_pdf_2837.pdf	MJS
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	Satisfactory – the Board's Management Plan, Business Plan and Annual Report are publicly available and posted on the Authority's website. The Board also publishes a set of policy statements, which are also hosted on the Authority's website.		http://www.langstoneharbour.org.uk/images/upload/files/about-safety-management_docs_pdf_2837.pdf	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	Satisfactory – The annual report (the most recent report's published date is 2020) titled 'Annual Report, 2019' provides a commentary on 'Navigation and Marine Safety'. The annual report contains a commentary on monitoring and performance but does not explicitly report on individual objectives. See [this Audit report] Section 2.15 for an observation on reporting.		MJS_003 MJS_004	MJS
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	Satisfactory – the Safety Plan for Marine Operations is published on the Authority's website. The plan was approved by the Board on 12 April 2019. It sets the following safety objectives: <ul style="list-style-type: none"> ▪ Appointment an independent Designated Person and provision of appropriate training for Board members and marine personnel ▪ Marine SMS to be subject to annual external audit ▪ Statutory powers to be periodically reviewed to ensure full compliance with PMSC ▪ The risk inherent in all marine activities to be reduced to 'as low as reasonably practicable' by a process of risk assessment 		MJS_004	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.28	Cont. Safety plan for marine operations	Cont. Is a 'Safety Plan for Marine Operations' published (every three years).	Cont. <ul style="list-style-type: none"> Incident reports and associated risk assessments to be analysed to assist in the identification of appropriate control measures Comprehensive operating procedures to be provided for the guidance of all personnel engaged in marine activities Aids to navigation to be maintained and non-conformities recorded to enable the General Lighthouse Authority to determine availability statistics for navigation assets in the harbour Stakeholders to be kept informed using annual Services Guide, leaflets, Local Notices to Mariners and LHB website LHB emergency plans and procedures to be maintained and exercised where appropriate Observation – not all the objectives in the safety plan are 'SMART' (specific, measurable, achievable, relevant/realistic, time-bound).	Recommend – reviewing the objectives to ensure they fit the SMART criteria.	MJS_004	MJS
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users and service providers about safe navigation?	Satisfactory – see response to Audit Report Section 2.17.		n/a	MJS
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	Satisfactory – a letter to the MCA regarding compliance with the Code was sent on 08 December 2017.		MJS_033	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations with its jurisdiction comply with the requirements of the Code?	Satisfactory – this topic has been raised informally with marina management and commercial wharf operators through discussion and email exchange. Observation – it is considered good practice for Harbour Authorities to communicate Code Compliance information to other Organisations running marine berths within their jurisdiction.	Recommend – sending a formal letter to marina managers, wharf operators and other owners/operators asking for confirmation of compliance with the Code; any response should be retained.	MJS_028	MJS

A.3 PMSC Section 3 – General Duties and Powers

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	Satisfactory – the Harbour Master/Manager can approve financial spending in line with the 'Standing Orders and terms of Delegation to Officers' document. Any spending for capital items is subject to a needs case assessment, a Capital Expenditure plan and Board Level approval.		http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_1250.pdf	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty?	Satisfactory – Clause 33 of the Harbours, Docks and Piers Clauses Act 1847 is incorporated into the Pier and Harbour Order (Langstone Harbour) Confirmation Act, 1962. Therefore, LHB has an 'Open Port Duty'.		MJS_001	MJS
3.6 – 3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> Survey as regularly as necessary Place navigation marks in optimum positions Keep 'vigilant watch' for any sea bed changes Keep hydrographic records Ensure hydrographic information is published Update UKHO with chart information. 	Satisfactory – a full harbour survey was carried out during 2019, survey charts are available on the Harbour Authority website. <i>Ad hoc</i> surveys are carried out in response to concerns over bank shifts or siltation. There is no Harbour Authority dredging, third party operators carry out maintenance dredging, when necessary, on their access channels and berths.		MJS_012 MJS_013 http://www.langstoneharbour.org.uk/about-publications.php	MJS
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	Satisfactory – LHB has a Bilateral agreement with the United Kingdom Hydrographic Office (UKHO) for the supply of hydrographic surveys and data in return for the use of UKHO products.		n/a	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	Satisfactory – LHB does not have powers in its Special Act to licence tugs or workboats. The 1962 Act, Clause 30 (4), provides powers for: <i>'The Board may from time to time grant licences to any person to place lay down maintain use and have existing and future moorings buoys and like apparatus and conveniences for vessels and houseboats in the harbour'</i> . Every vessel is registered and identified on the Harbour Assist web-based software program.		MJS_034	MJS
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> ▪ Nature conservation section 48A of Harbours Act 1964 ▪ Obligations for SPA, SACs under Habitat Regs. ▪ Compliance with The Natural Environment and Rural Communities Act 	Satisfactory – LHB issues an 'Environmental Protection Policy'. MSMS, Section 3.7.3 'environmental' states that: <i>'LHB recognises its duty to exercise its functions with regard to nature conservation and other related environmental considerations'</i> . Langstone Harbour Management Plan sets out how the harbour is managed in an environmentally responsible and sustainable way. The harbour is a marine Local Nature Reserve (LNR) and marine Site of Special Scientific Interest (SSSI), an Internationally Important Wetland under the Ramsar Convention, a Special Protection Area (SPA) under the Birds Directive and part of the Solent Maritime Special Area of Conservation (SAC) under the Habitats Directive. This is stated within the MSMS.		MJS_001 http://www.langstoneharbour.org.uk/images/upload/files/about-safety-management_docs_pdf_2837.pdf	MJS
3.9	Civil Contingency Duty and Emergency Planning	Does the MSMS include reference to the Harbour Authority's obligations as a Category 2 responder?	Satisfactory – the MSMS, Section 3.7.1 identifies that: <i>"As a statutory harbour authority LHB is classified as a Category 2 Responder under the Civil Contingencies Act 2004"</i> .		MJS_001	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	Satisfactory – LHB has an emergency plan, covering the actions and call out procedure to be followed for major emergencies and incidents. The plan is dated 'November 2017'. There is also an approved Oil Spill Contingency Plan, 'LANGSPILL' published 27 June 2016.			MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 6.2.4, 6.5	Cont. Emergency Planning / Pollution control	Does the port/harbour carry out pollution and emergency plan exercises?	<p>Satisfactory – LHB carried out Oil Pollution Response exercises and has made the 2019 Annual Return (including a notification exercise, mobilisation exercise, and tier 2 exercise). The return was made on 31 January 2020.</p> <p>Observation – there are no recent records of emergency plan exercises. A test of the plan also allows a reflective update of any detail found during the test.</p>	<p>Recommend – arranging an exercise of the emergency plan and an update of the plan following the test.</p>	MJS_009	MJS
3.10 – 3.11	Harbour Authority Powers and review	Has the Harbour Authority reviewed its powers?	See Audit Report response 2.3 – 2.6.		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	<p>Satisfactory – LHB has achieved four HROs, namely:</p> <ul style="list-style-type: none"> ▪ Harbour Revision Order (HRO), 1985 [changes to constitution and harbour board, provisions regarding houseboats] ▪ HRO, 1990 [Changes to borrowing powers] ▪ HRO, 1999 [changes to constitution] ▪ HRO, 2005 [Extension of CHA area] 		<p>http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_342.pdf</p> <p>http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_343.pdf</p> <p>http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_344.pdf</p> <p>http://www.langstoneharbour.org.uk/images/upload/files/about-theboard_acts_pdf_341.pdf</p>	MJS

A.4 PMSC Section 4 – Specific Duties and Powers

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	Satisfactory – a Harbour Master is appointed by LHB. Evidence of Board appointment sighted, dated 17 April 2020.		MJS_010	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	Satisfactory – the Authority has powers to make Byelaws, the current set are available from LHB's website, titled 'Langstone Harbour Board Byelaws, 1994'.		MJS_011 http://www.langstoneharbour.org.uk/boating-byelaws.php	MJS
		Date of last byelaw review?	Satisfactory – the byelaws were last reviewed in 1994 and were considered to be up to date.		MJS_011	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master's powers of Direction shown in the MSMS, how is delegation identified?	<p>Satisfactory – certain sections of The Harbours, Docks & Piers Clauses Act, 1847 were incorporated with the Langstone HRO 1985 (SI 1985 No. 1554), including section 52 concerning Special Directions and section 53 concerning the issuing of Special Directions. The MSMS, Section 3.7.1 'Emergency Plans' comments that: "Though LHB does not have powers of general direction, special directions may be given". Section 3.7.4 'Management of Navigation' identifies that: "Navigation in the harbour is regulated by the harbour master in accordance with the 1962 Act (as amended), the Pilotage Act 1987, harbour byelaws and special directions". The MSMS states that: "The power to issue Special Directions may only be exercised by the Harbour Master".</p> <p>Observation – the Harbours, Docks and Piers Clauses Act 1847 (HDPC, 1847), defines the Harbour Master as: ...and with respect to all Acts authorised or required to be done by such Harbour Master, Dock Master or Pier Master, shall include the Assistants of every such Harbour Master, Dock Master or Pier Master. Whilst the MSMS is clear on delegated powers, this should be reviewed for accuracy.</p>	<p>Recommend – review the MSMS, Section 3.7.4 in respect of the powers for Deputies and Assistants to issued Special Directions.</p>	MJS_001 https://www.legislation.gov.uk/ukpga/Vict/10-11/27/section/52	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.8	General Directions	Are the powers of General Directions available to the Harbour?	Satisfactory – powers of General Direction are not available to the Harbour Authority. This is stated within the MSMS, Section 3.7.1, 'Emergency Plans'.		MJS_001	MJS
		When were General Directions last reviewed?	n/a		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	Satisfactory – Harbour Directions have not been applied for, it is considered that Byelaws provide sufficient control powers to control and manage vessel navigation.		n/a	MJS
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	Satisfactory – the MSMS, Section 3.7.4 addresses the powers to give direction under the Dangerous Vessels Act, 1985. Byelaws also provide the powers that 'Vessels are not to be abandoned on the Harbour shore', and 'Vessels must be open to the Harbour Master's inspection and examination'. The MSMS, Section 3.7.4, also acknowledges the role of the SOSREP.		MJS_001	MJS
		Is the role of the SOSREP acknowledged?	Satisfactory – the MSMS, Section 3.7.4 acknowledges the role of the SOSREP.			MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous substances?	Satisfactory – there are no Dangerous Goods shipped through the harbour.		n/a	MJS
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	Satisfactory – the MSMS, Section 3.7.4 under the title 'Management of Navigation Organisation and Management Responsibility' states that: 'Traffic management requirements for Langstone Harbour have been assessed in accordance with the provisions of MGN 401 (M+F), Vessel Traffic Services & Local Port Services, Amendment 2. LHB's risk assessment showed that VTS would be inappropriate and excessive; instead a Local Port Service is provided. Vessels using Langstone Harbour are subject to the reporting requirements of Southampton VTS, which covers the approaches to Langstone Harbour.'		MJS_001	MJS
		Is vessel traffic monitoring information passed to the MCA by the quickest means?	Satisfactory – reporting is via VTS Southampton, evidence of Consolidated European Reporting System (CERS) sighted.		MJS_042 MJS_043	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 8.4	Cont. Vessel Traffic Management	Has the need for VTS/LPS been reviewed, if so, the last review date?	Satisfactory – the need for VTS/LPS was reviewed prior to publishing the May 2020 MSMS.		MJS_001	MJS
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	<p>Satisfactory – Byelaw 18 states, 'Navigation under the influence of drink or drugs is prohibited'. Anecdotal information suggests that Harbour Staff understand the process to follow if a mariner is suspected of a drink or drugs offence.</p> <p>Observation – LHB does not have a written procedure detailing the actions that must be taken if a Master, pilot or seaman is suspected of committing a drink or drugs-related offence when on duty. Reference should be made to: Part 4 of the Railways and Transport Safety Act 2003.</p>	Recommend – that LHB draft a SOP detailing the procedure to follow if a Master or seaman is suspected of committing a drink or drugs-related offence when on duty. Add a reference to the Railways and Transport Safety Act 2003 into the MSMS.	<p>MJS_011</p> <p>http://www.langstoneharbour.org.uk/boating-byelaws.php</p>	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	Satisfactory – LHB is listed as a Competent Harbour Authority on the DfT's list of authorities.		n/a	MJS
		Has the requirement for pilotage been reviewed?	Satisfactory – a Formal Risk Assessment (FRA) concluding the need for Pilotage is maintained by LHB, this was last reviewed in May 2017.		MJS_044	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	Satisfactory – pilotage directions are available on the LHB's website.		http://www.langstoneharbour.org.uk/commercial-pilotage.php	MJS
		Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	Satisfactory – the directions were discussed at the SNPCC (Solent Navigation and Pilotage Coordination Committee).		n/a	MJS
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced to in the MSMS?	Satisfactory – the process for appointing pilots follows the Pilot Training Plan. Evidence of Pilot authorisation sighted, which is issued by the LHB as the Harbour Authority. The MSMS, Section 3.7.5 details pilotage requirements.		MJS_001 MJS_022 MJS_023	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the international regulations on the training and certification and operational procedures for pilots contained within International Maritime Organisation (IMO) resolution A960?	Satisfactory – the Harbour Authority has a training plan for progressing both experienced seafarers (Merchant Navy, Royal Navy etc.) and experienced small-boat candidates through to Pilot status.		MJS_022 MJS_023	MJS
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	Satisfactory – the process and requirements for gaining a PEC is detailed in the Pilotage Directions, which are published on LHB's website.		http://www.langstoneharbour.org.uk/commercial-pilotage.php	MJS
		Are the requirements equivalent to those for an authorised pilot?	Satisfactory – the requirements for transits (acts) is the same as for Pilots. A PEC may be issued to any Master and Senior Deck Officers.		http://www.langstoneharbour.org.uk/commercial-pilotage.php	MJS
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	Satisfactory – LHB has a port passage plan, which is also used as a master/pilotage exchange. Passage plan for Springs and Neaps, for Kendall's Wharf, sighted. Also passage plan for 'Scald' on 17-Nov-20 conducted by Pilot Capt. N. Jardine.		MJS_037 MJS_038 MJS_039 MJS_040 MJS_041	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	Satisfactory – LHB provides a range of publications and information to its port users, including: <ul style="list-style-type: none"> ▪ Tide tables for the harbour ▪ Harbour Guide (issued annually) ▪ Wildlife leaflets ▪ Playsafe Canoe ▪ Playsafe Wildlife ▪ Kayak Leaflet ▪ Caring for Langstone Harbour (Friends of Langstone Harbour) ▪ Solent Seals Code of Conduct (jointly issued with Chichester Harbour Conservancy) 		MJS_016 MJS_017 http://www.langstoneharbour.org.uk	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	Satisfactory – certain sections of The Harbours, Docks & Piers Clauses Act, 1847 were incorporated with the Langstone HRO 1985 (SI 1985 No. 1554), including Section 34 concerning the collection of rates and Section 33 Open Port Duty. Charges are identified on the LHB's website. A schedule of charges, for the period 01 April 2020 to 31 March 2021 is published by the Authority and available on the website for download.		MJS_010 http://www.langstoneharbour.org.uk/boating-charges.php http://www.langstoneharbour.org.uk/images/upload/files/boatimg-charges_docs_pdf_3066.pdf	MJS
4.21-4.23	Aids to Navigation (AtoN)	Are defects and rectification of defects recorded?	Non-compliance – following an Aids to Navigation (AtoN) inspection by Trinity House (the General Lighthouse Authority and regulator for AtoN) conducted on the 25 November 2020, it was concluded by Trinity House that: "a clear lack of maintenance was evident with numerous AtoN untended from the previous year. Three AtoN were off-station (attributed to failed moorings) and were awaiting resources to redeploy them". This is a non-compliance with the Merchant Shipping Act 1995, Section 198 and the PMSC, Section 4.21-4.24.	Recommend - it is recommended the LHB address the issues raised by Trinity House as a matter of urgency.	MJS_025 MJS_026 MJS_027 MJS_045	MJS
4.24	General Lighthouse Authority (GLA) returns	Are returns made to the GLA?	Satisfactory – regular returns and correspondence with the GLA were noted during audit, the three-yearly AtoN availability statistics were sampled. These identify that: <ul style="list-style-type: none"> Cat 2: target availability is set at 99.0% - LHB achieved 99.3% availability. Cat 3: target availability is set at 97% - LHB achieved 99.5%. Both Category 2 and 3 AtoN at LHB therefore met and exceeded the minimum 'International Association of Marine Aids to Navigation and Lighthouse Authorities' (IALA) availability targets.		MJS_024	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.25-4.32	Wrecks, Abandoned or unserviceable vessels	Does the MSMS refer to powers for dealing with wrecks?	Satisfactory – the MSMS in Section 3.7.2 'conservancy' states that: ' <i>LHB recognises the extent of its duty and powers as a Local Lighthouse Authority; and specific powers in relation to wrecks.</i> ' Wrecks and Abandoned Vessels are detailed in the MSMS. Evidence of the recent Withern wreck survey (bucket dredger, which sank in 1926) was provided during the audit. Information about wrecks in Langstone Harbour is maintained by the 'Maritime Archaeology Trust'.		MJS_001 https://www.maritimearchaeologytrust.org/langstone	MJS
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	Satisfactory – LHB uses a contracted service for Pilot Boats, operated by Associated British Ports.		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	n/a – commercial towage does not operate within the Harbour.		n/a	MJS
		Are non-routine tows pre-approved / managed by the organisation?	Satisfactory – non-routine tows would be subject to separate risk assessment and approval from the Harbour Master.		n/a	MJS
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Satisfactory – LHB does not have powers to licence tugs.		n/a	MJS
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	Satisfactory – part of the Harbour Patrol function is the management of diving operations. To dive commercially, a permit is required which can be applied for by downloading an application from the Authority's website. The MSMS states that: ' <i>Diving within the harbour may not be undertaken without notifying the Harbour Master. HSE Commercial Diving standards and practices must be complied with.</i> ' Byelaws 61 and 73 also provide the Authority with controls over diving craft and the activity of diving.		MJS_011 MJS_029	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	<p>Satisfactory – Byelaw 61 'Diving Operations from Vessels or Otherwise' applies to the Master of every vessel, irrespective of size, engaged in diving operations. In addition, the MSMS identifies Section 3.6, 'Management of Safety Controls – Checklist' that: <i>"No licence or permit required for amateurs to dive in Langstone Harbour. BSAC and PADI diving registration."</i> Byelaw 73 requires that: <i>"No person shall bathe, swim, dive or engage in underwater activities except with the permission of the Authority"</i>.</p> <p>Observation – the MSMS, Section 3.7.6 'Marine Services' under the title 'Diving' identifies that: <i>"Diving within the harbour may not be undertaken without notifying the Harbour Master. HSE Commercial Diving standards and practices must be complied with."</i> The statement that 'Diving within the harbour may not be undertaken without notifying the Harbour Master' is presumably related to commercial diving. There is no guidance for recreational divers on the Authority's website. The MSMS does not explicitly deal with recreational diving. Byelaw 61 applies to 'Diving Operations from Vessels or Otherwise' which provides control over divers deployed in this manner.</p>	<p>Recommend – the MSMS should clarify how recreational divers are managed and informed of the Byelaw and what, if any, reporting they should provide. This could be achieved through providing recreational diving guidance on the Authority's website.</p>	MJS_001 MJS_011	MJS
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	Satisfactory – LHB has no Hot Works permitting processes, there is no perceived risk from hot works in respect of refuelling points and a need for hot works control.		n/a	MJS
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	Satisfactory – bunkering locations, procedures and spill response is detailed in the Authority's Oil Pollution Response Plan.		LHB Oil Spill Response Plan	MJS
GtGP – 11.3, 11.4	Regulation of Craft, Pilot Launches and Workboats	Regulation of Port/Harbour Owned Craft, Pilot Launches and Workboats	Observation – the vessel 'Delilah' is not currently coded and should comply with the relevant UK Small Craft Code for commercial vessels (termed Small Commercial Vessel (SCV)) produced by the MCA.	Recommend – LHB should ensure the vessel 'Delilah' is Coded.	n/a	MJS

PMSC/GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP – 11.3, 11.4	Cont. Regulation of Craft, Pilot Launches and Workboats	Regulation of Third Party Owned Craft, Pilot Launches and Workboats	Observation – the Code recommends that Harbour Authorities run a registration scheme for craft working commercially within its harbour (this includes craft that provide services outside the harbour, but access moorings or berths within the harbour and are acting as commercial craft or workboats). LHB does not currently have a scheme or provision in place for registration and assurance testing. For further details, see Section 11.2 and 11.3 of the GtGP. This oversight should include checks on insurance, coding and qualifications of the Master/Skipper/Crew.	Recommend – LHB should consider the benefit of a 'Workboat Registration Scheme' or similar.	n/a	MJS

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