

Harbour Management Committee

July 23rd 2024



Report of: Patsy Mellor - Director of Management of Place

Title: Appointment of Duty Holder

Ward: Hotwells and Harbourside, Centre, Lawrence Hill, Brislington East, St George Troopers Hill, Southville.

Officer Presenting Report: Jon James - Natural and Marine Environment Head of Service

Recommendation

That the Harbour Management Committee notes the appointment of the Duty Holder (Cllr Andrew Brown) as recommended under the Port Marine Safety Code.

Summary

The Port Marine Safety Code sets out a national standard for every aspect of the harbour, which includes land and buildings. Its aim is to enhance safety for everyone who uses or works in the marine environment. The Port Marine Safety Code is endorsed by the UK Government, and while the Code is not mandatory, there is an expectation that all harbour authorities will comply with it.

Within the Port Marine Safety Code there is an obligation that the Harbour Authority must appoint a Duty Holder.

The significant issues in the report are:

- a. The requirement to appoint a Duty Holder
- b. The requirement to appointment a Designated Person
- c. The need to adhere to the Port Marine Safety Code and the guidance provided.



Policy

1. Not applicable

Consultation

2. **Internal**
Not applicable
3. **External**
Not applicable

Context

4. The Port Marine Safety Code (PMSC) has been developed to improve safety in the port marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbours or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured.
 - 4.1 The PMSC describes the role of board members, officers, and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities.
 - 4.2 The PMSC is designed to reduce the risk of incidents occurring within the port marine environment and to clarify the responsibilities of organisations within its scope.
 - 4.3 The PMSC should be read in conjunction with its companion Guide to Good Practice on Port Marine Operations. This Guide underpins the ethos of the PMSC by providing additional guidance and practical examples and has been written and approved by maritime professionals to assist organisations in promoting and executing safe, efficient, and accountable port marine operations based on industry best practice.
 - 4.4 Duty holders should familiarise themselves with the PMSC and review any implications for their marine operations.
 - 4.5 It is strongly recommended that the duty holder and officers involved in marine safety also consider the advice on good practice provided in the Guide to Good Practice on Port Marine Operations as well as reviewing the recommendations and the common lessons learned from major accidents and incidents.
 - 4.6 The Duty Holder is responsible for ensuring that the organisation complies with the Port Marine Safety Code.

To effectively undertake this role, they should:

 - be aware of the organisation's powers and duties related to marine safety.
 - ensure that a suitable Marine Safety Management System (MSMS), which employs formal safety assessment techniques, is in place.
 - appoint a suitable designated person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety.
 - appoint competent people to manage marine safety.
 - ensure that the management of marine safety continuously improves by publishing a marine safety plan and reporting performance against the objectives and targets set.
 - report compliance with the Code to the Marine Coastguard Agency (MCA) every 3 years.

- 4.7 The Duty Holder should take time to gain an appropriate insight and understanding of the organisation's port marine activities, Marine Safety Management System (MSMS) and supporting policies and procedures.
- 4.8 Training will be provided for the Duty Holder in line with guidance in the Port Marine Safety Code
- 4.9 The Duty Holder must work closely with the Designated Person who is appointed to provide independent assurance directly to them that the Marine Safety Management System (MSMS), for which the Duty Holder is responsible, is working effectively.
- 4.10 To fulfil this function, the designated person must have a thorough knowledge and understanding of the requirements of the PMSC (and supporting Guide to Good Practice) and associated port and marine legislation.

Proposal

- 5. The Harbour Committee note that Cllr Andrew Brown (Chair of the Economy and Skills Policy Committee and the Harbour Management Committee) will be appointed as the as the Duty Holder for Bristol Harbour Authority.

Other Options Considered

- 6. None

Risk Assessment

- 7. Appointment of a Duty Holder is recommended within the Port Marine Safety Code, published by the Department for Transport.

Summary of Equalities Impact of the Proposed Decision

- 8. Equalities Impact has been considered and as this report is asking the Committee to note the appointment of a Duty Holder there will be no Equalities impact.

Legal and Resource Implications

Legal

BCC Legal consulted

(Legal advice provided)

Duty Holder Training being provided.

Financial

(a) Revenue

The committee cannot make a key decision and any decisions over the value of £500,000 will need to be referred to the appropriate policy committee

(b) Capital

The committee cannot make a key decision and any decisions over the value of £500,000 will need to be referred to the appropriate policy committee

(Financial advice provided by Ben Hegarty, Business Partner: Growth and Regeneration)

Land

Not applicable

Personnel

Not applicable

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

Department for Transport – Ports Good Governance Guidance

[Good governance guidance for ports – GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Department for Transport – Port Marine Safety Code

[Port marine safety code – GOV.UK \(www.gov.uk\)](http://www.gov.uk)