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Title of meeting: The Leader with responsibility for Planning, Regeneration and Economic Development

Subject: Portsmouth International Port:
Members duties as the Duty Holders for the Port under the Updated Port Marine Safety Code, Port Marine Safety Code Audit, Harbour Incidents, and Traffic Throughput

Date of meeting: 21 November 2017

Report by: Port Director

Wards affected: All

1. Requested by

1.1 The Leader with Responsibility for PRED.

2. Purpose

2.1 To provide information about:

- Members duties as the Duty Holders for the Port under the updated Port Marine Safety Code;
- The Port Marine Safety Code Audit at Portsmouth International Port;
- Incidents in the Harbour; and
- Traffic throughput.

3. Members duties as the Duty Holders for the Port under the Updated Port Marine Safety Code

3.1 Introduction

3.1.1 The Port Marine safety Code and its Associated Guide to Good Practice have been updated and republished by the Department for Transport. Copies of the updated documents are available for download at the DfT web site:

<https://www.gov.uk/government/publications/port-marine-safety-code>

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- 3.1.2 Members as the Duty Holders for the port should be aware of the updated documents and familiarise themselves with the contents of the Port Marine Safety Code so as to enable themselves to make an informed decision as to the level of compliance required.
- 3.1.3 There is an Executive summary on page 6 to page 8 of the Code which will guide the Duty Holders of their responsibilities under the Code. The Executive Summary has been set out below for ease of reference.
- 3.1.4 The Port Director can confirm that through external annual independent audits by Marico Marine and Risk Consultants Ltd that "Portsmouth International Port continues to comply satisfactory with the requirements of the Port Marine Safety Code".

3.2 What is the Port Marine Safety Code?

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

3.3 Who is the Code for?

- 3.3.1 The Code is applicable both to statutory harbour authorities and to other marine facilities which may not have statutory powers and duties. These are collectively referred to throughout the Code as 'organisations' and may include, but are not limited to, the following:
- Competent Harbour Authorities (authorities with statutory pilotage duties);
 - Municipal Port or Harbour Authorities;
 - Trust Port or Harbour Authorities;
 - Private Port or Harbour Authorities; and
 - Marine berths, terminals or jetties.
- 3.3.2 It is strongly recommended that organisations or facilities which are not a statutory harbour authority, such as marine berths and terminals, seek a proportionate compliance with this Code through the adoption of a formal risk assessment process and the implementation of a marine safety management system (MSMS) which complies with this Code or any alternative similar standard applicable to their sector.
- 3.3.3 Where a marine terminal or jetty is situated within the jurisdiction of a Statutory Harbour Area (SHA), it is important for both parties to engage with one another to ascertain the scope and extent of the SHA's MSMS and whether it incorporates any of the terminal's or jetty's marine operations. This engagement will help to define

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whether it is necessary for the terminal or jetty to develop their own MSMS. If it is decided that an additional system is required then the above engagement should focus on ensuring that the MSMS complement each another and avoid any duplication of effort.

- 3.3.4 Not all the requirements of the Code are relevant to all authorities or organisations. Some have no compulsory pilotage and a review (risk assessment) would confirm if there was a need to provide such a service. Others have no commercial activity – they handle no commercial vessels and do not possess any of the berthing and/or dock facilities that go with them. Their professional staff may require particular skills for the local circumstances but those associated with a commercial port might not be among them. However, those members of staff may well support and encourage leisure activities within the port or facility. Objectives will be framed and need to be stated accordingly.

3.4 What does the Code cover?

- 3.4.1 The Code has been developed to improve safety in the port marine environment and to enable organisations to manage their marine operations to nationally agreed standards. It provides a measure by which organisations can be accountable for discharging their statutory powers and duties to run harbours or facilities safely and effectively. It also provides a standard against which the policies, procedures and performance of organisations can be measured. The Code describes the role of board members, officers and key personnel in relation to safety of navigation and summarises the main statutory duties and powers of harbour authorities. The Code is designed to reduce the risk of incidents occurring within the port marine environment and to clarify the responsibilities of organisations within its scope.
- 3.4.2 The Code should be read in conjunction with its companion Guide to Good Practice on Port Marine Operations ("the Guide"). The Guide underpins the ethos of the Code 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.

3.5 Who should read the Code?

- 3.5.1 The Code is primarily intended for the "duty holder" which will, for most organisations, mean those members of the organisation, both individually and collectively, who are ultimately accountable for marine safety. All duty holders should therefore familiarise themselves with the Code and review any implications for their marine operations.
- 3.5.2 It is strongly recommended that the duty holder, and all officers involved in marine safety, also consider the advice on good practice provided in the Guide as well as reviewing the recommendations and the common lessons learned from major accidents and incidents which can be found on the Marine Accident Investigation Branch website.

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3.6 What do I need to do?

3.6.1 The Code refers to some of the existing legal duties and powers that affect organisations in relation to marine safety but it does not in itself create any new legal duties. However, although they are not mandatory, there are nevertheless several measures which are key to the successful implementation of the Code. Therefore, in order to comply with the Code, statutory harbour authorities must consider the following 10 measures. Other organisations are advised to identify which of the items may be applicable to their port marine activities. It is recommended that, at the very minimum, items 4, 5 and 6 below should be considered by all organisations.

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.

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.

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.

4. Duties and Powers:

Comply with the duties and powers under existing legislation, as appropriate.

5. Risk Assessment:

Ensure that marine risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.

6. Marine Safety Management System:

Operate an effective MSMS which has been developed after consultation, is based on formal risk assessment and refers to an appropriate approach to incident investigation.

7. Review and Audit:

Monitor, review and audit the risk assessment and MSMS on a regular basis – the independent designated person has a key role in providing assurance for the duty holder.

8. Competence:

Use competent people (who are trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.

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9. Plan:

Publish a safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years.

10. Aids to Navigation:

Comply with directions from the General Lighthouse Authorities and supply information & returns as required.

4. Port Marine Safety Code Audit 2017

4.1 Portsmouth International Port appointed Marine and Risk Consultants Ltd (Marico Marine) to conduct an annual Port Marine Safety Code audit and, in addition, to review the progress on the implementation of the findings of previous audits carried out by Marico Marine. The audit was carried out by Ray Blair on 5th April 2017 following a desk-based review of previously held documentation, including the previous audit reports.

4.2 During the review of the previous audits, carried out in January 2014, February 2015 and March 2016, it was duly noted that the majority of the recommendations and observations have now been carried out, including:

- The Marine Safety Management Plan is in place;
- The Navigation Risk Assessment has been considerably updated;
- The structure and presentation of the web-based Marine Safety Management System have been much improved and further development is ongoing;
- An incident / accident investigation procedure and flow chart have been developed, have been added to the Marine Safety Management System and have been implemented;
- Port legislation has been fully reviewed and is considered to be fit for purpose;
- The Marine Safety Management System has been updated to include reference to the authority's powers to raise, remove, destroy and mark a wreck which is, or is likely to become, a danger to navigation;
- The Towage Guidelines have been updated to include reference to towing in restricted visibility; and
- Marine staff job descriptions and training profiles are now in the same location in the Marine Safety Management System.

4.3 The following observations from the 2016 Port Marine Safety Code Audit have been considered and, where appropriate, progressed but have yet to be fully implemented:

- In the absence of proactively monitoring the performance of Pilot Exempt Certificate (PEC) holders the CHA should consider encouraging the ferry company PEC holders to participate in future pilot training programmes, promoting shared good practice and team-working; and

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- The CHA should consider introducing a pilotage revalidation procedure assessing pilot competence sufficient to satisfy the CHA at intervals not less than every five years.

4.4 Overall, the audit concluded that considerable progress has been made and Portsmouth International Port continues to comply satisfactorily with the requirements of the Port Marine Safety Code.

4.5 Several observations were noted during this review, the most significant being:

- The Harbour Master is invited to consider providing a briefing on recent changes to the Port Marine Safety Code (November 2016 Revision) and GtGP (February 2017 Revision) to all PCC Councillors via the Members Information System and to the next Port Advisory Board;
- Consider establishing a clearer link from the port's commercial website to its Port Marine Safety Code website, which would benefit port users;
- Consideration should be given to formulating a ranked hazard list derived directly from the port's Navigation Risk Assessment;
- It is considered that the proposed 4 element check-trip system for pilots and, where appropriate PEC holders, should be consulted with stakeholders, agreed and introduced at the earliest opportunity;
- It is considered that all dead tow and non-routine towage applications should be formally approved, as per GtGP Section 13.3.11; and
- Consider noting on specific risk assessments when updates or amendments have been made following incident investigations.

5. Incidents in the Harbour

5.1 This report fulfils the Port's obligation under the Port Marine Safety Code of keeping the Duty Holders advised of incidents in the Harbour that concern Portsmouth Commercial Port, which is the Competent Harbour Authority under the Pilotage Act of 1987.

5.2 The main incidents from 01 January 2017 to 30 September 2017 are summarised below:

Fire – 19 January 2017

A cross Solent ferry departed Portsmouth 0900hrs, when the vessel passed the Mother Bank buoy the helmsman noticed flames at the port bridge wing door. The alarm was raised immediately and the crew started to fight the fire. The Passengers were mustered at the aft end of the main lounge and Solent Coast Guard were advised of the situation. The fire was extinguished by the crew by the time the vessel arrived at Fishbourne. Two fire engines and the police came on arrival and after a close up inspection the vessel was declared safe to return to Portsmouth in ballast. At 1149hrs the vessel departed Fishbourne and berthed at the inside of the Hulk Moorings and the vessel out of service and an incident investigation was commenced.

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The cause of the fire was later established that a cigarette end was thrown into a smoking bin which had not had its protective metal lining in place, this ignited the bin which went onto ignite some inflammable liquid in a container stowed below the bin.

Oil Spill – 20 February 2017

During Bunkering operations alongside a commercial quay, heavy oil escaped from the sounding pipe and spilt onto the deck. The spill was a minor spill (approximately 20 litres) and was contained on the on deck with the exception that a small amount estimated to be a litre or less escaped overboard. This was recovered by the crew with their on board oil spill equipment.

Failure to comply with Harbour Control Directions 16 March 2017

A Cross channel ferry left her berth without the permission of Harbour Control contravening local directions and regulations. The resulting investigation found that there had been a misunderstanding in communication which the ship accepted was their fault.

Weighted Heaving Line – 21 March 2017

Two heaving lines with illegally weighed ends where thrown onto the deck of the assisting tug. The ends were cut off and opened revealing several steel nuts and a lead mass.

The Captain was written to warning him of the situation and of his contravention of Local Notice to Mariners No 13/17.

Weighted Heaving Line – 28 April 2017

On berthing a cruise ship, it was found that the ship had used 2 weighted monkey's fists on their heaving lines in contravention of the code of safe working practices. They weighted ends were cut off and the Harbour Master went on board the vessel to discuss the situation with the Master and he was advised of his contravention of Local Notice to Mariners No 13/17.

Engine Mechanical Failure – 7 June 2017

A cross channel fast cat ferry was berthing onto berth CFP 1 with tug assistance after it had experienced mechanical failure to one side of the ship's propulsion system. During the berthing manoeuvre the vessel's remaining engines cut out and the vessel landed heavily on the fenders damaging the ship's starboard waterjet guard frames. The vessel went onto berth without further incident.

Oil Spill – 14 June 2017

A cross Solent car ferry was conducting bunkering operation whilst alongside the Wightlink "Hulk Moorings", the engineer selected the smaller auxiliary fuel tank instead of the larger main fuel tank. The fuel subsequently over filled the auxiliary fuel tank and spilled out on the deck of the ferry through an air pipe vent. Although the fuel was retained on board the ferries' deck, a small amount of marine gas oil (estimated to be 20 litres) escaped into the sea where it very quickly dispersed with the tide. The company has reviewed its bunkering check list and issued a "Safety Briefing note" to its staff in order to prevent a reoccurrence of an incident of this type.

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Heavy Contact with the Quay – 11 July 2017

During her berthing manoeuvre at low water, a cross channel fast cat ferry slid along the high fenders on berth No.1 causing the exposed starboard navigation light fitting to catch on the top of the high fender. The vessel went on to berth without further incident.

Tow line parted – 03 August 2017

A container vessel was backing out from her berth on Albert Johnson Quay to make her turn in the south Tidal Basin and UHAF area. A 40 tonne bollard pull tractor tug was controlling the bow and an 80 tonne bollard pull Roto tug was pulling the stern around to the north. A 40 tonne bollard pull ASD tug assisted on the ship's port quarter. As the vessel was making her turn to the north, the aft tug's line parted. No injuries or damage was caused and the ship finished her turn and completed her passage out of the harbour without further incident.

Oil Spill – 03 August 2017

A RoRo ferry was transferring incompatible marine gas oil (MGO) from her tanks into road tankers on the quayside at CFP berth 2. As the road tankers transferred the oil between each other, the seal and the snap fitting on the road tanker's discharge hose connecting the two tankers failed. Approximately 20 litres of MGO was spilt on the quay before the transfer could be stopped. The drivers cleared up the spill on the quay but an estimated 2 litres of MGO had escaped into the sea. This oil very quickly dispersed in the windy conditions.

Tow line parted – 13 September 2017

A cross Solent ferry was being "cold" towed into the harbour to facilitate repairs to her damaged engines. A conventional 28 tonne bollard pull tug was made fast to the bow of the ferry, with a 15 tonne bollard pull multi cat made fast aft to control the stern. Once inside and clear of the harbour entrance the tugs turned the ferry through 180 degrees in order to berth the ferry on the inside berth of the Wightlink mooring pontoon berths. As the multi cat tug pulled harder to correct the effect of the tide and wind on the vessel. The tug's line parted and the second line on the towing bridle, which was not correctly made fast, pulled through the tug's bits thus releasing the tug from the tow. The wind and tide took hold and caused the ferry to drift towards a vessel moored on Gunwharf Quays. The remaining tug tried to pull the ferry away from the moored vessel but it struck a glancing blow to the moored vessel causing minor damage to its aluminium hull. The remaining tug managed to berth the ferry alongside its berth with the assistance of the ferries remaining functional engine which it had started by this time.

Engine Mechanical Failure – 23 September 2017

A reefer vessel had stopped to pick up her pilot at the Nab Tower. The pilot made his way to the bridge and asked for an ahead movement on the ships engines. The Captain explained that due to technical reasons the engine could not be started. The pilot advised Harbour Control who dispatched the 80 tonne bollard pull tug from Portsmouth. The ship was declared "Not under Command" and prepared to anchor. Ten minutes passed and the engine could still not be started and the vessel was drifting towards the Nab Tower. The Captain and Pilot decided to anchor the ship to arrest the drift. After a further 30 minutes the engine could be restarted and the ship

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weighed anchor and proceeded inwards to Portsmouth. The tugs met the vessel and made fast in the Bar Channel. The vessel went onto berth without further incident. The problem was caused by the main engine governor actuator limit switch malfunctioning. This was repaired before the ship sailed.

Close Quarter Situation – 25 September 2017

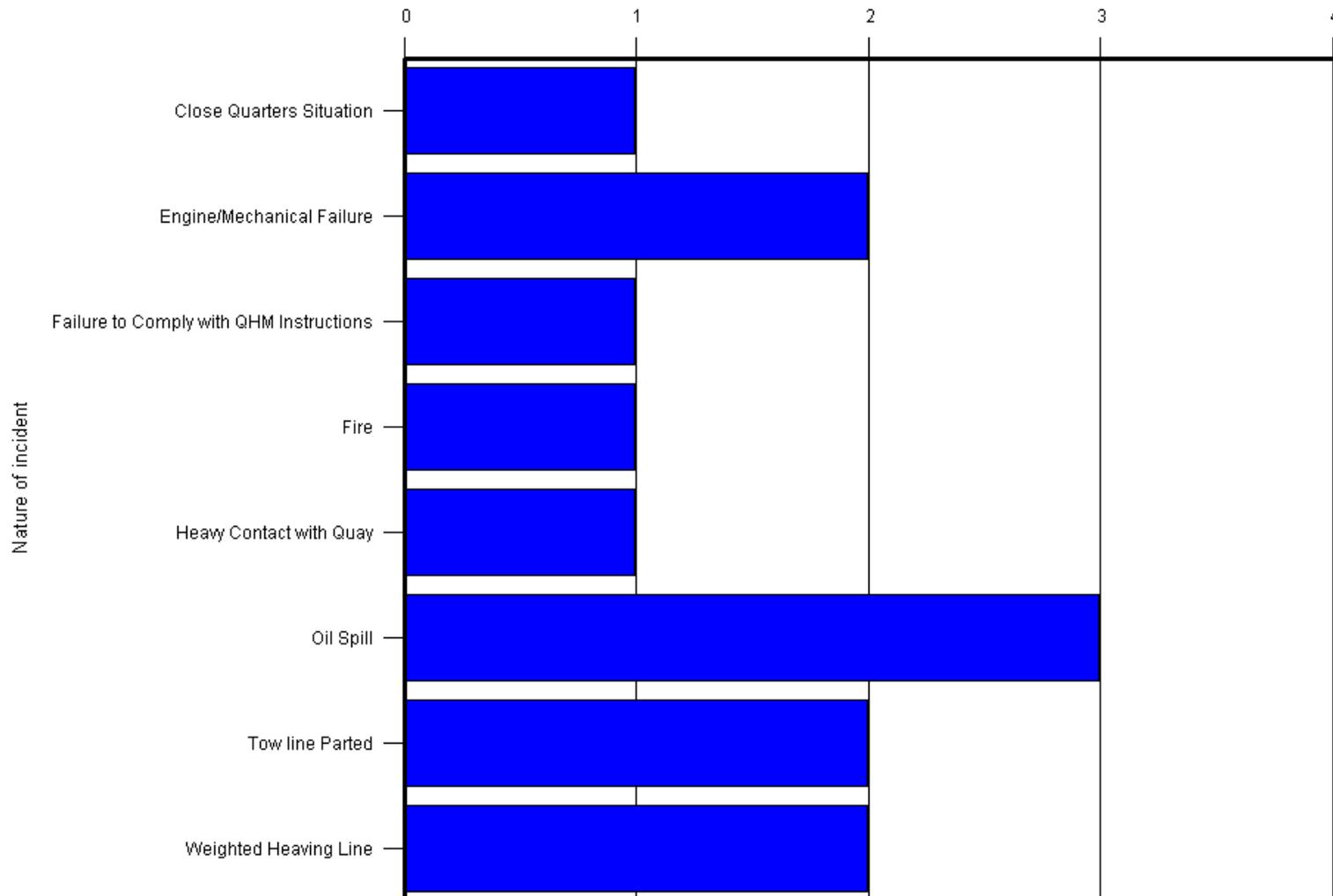
An outbound tanker from Fawley had a Southampton Pilot on board. A cross channel ferry was outbound from Portsmouth. As the ferry was passing the Nab East buoy she maintained a safe distance of 0.7 mile behind the tanker and matched the tanker's speed. As the ferry was midway between the Nab End Buoy and the New Grounds buoy, the tanker started to reduce speed and turn to the south to drop off her pilot. The distance between the two vessels at this point remained 0.7 miles. As the ferry passed to the east of the New Grounds buoy the tanker continued to turn to starboard towards the path of the ferry. Both ships ended up on parallel course and ferry passed the tanker at about 0.1 miles before continuing on her passage.

The total number of reported incidents from 01 January 2017 to 30 September 2017 was 13.



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Reported Incidents - 1 January to 30 September 2017



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6. Traffic Throughput

- 6.1 For the 12 months ending 31 March 2017, compared to the 12 months ending 2016, passenger numbers were up 0.14%, passenger vehicle numbers were up 2.74%, freight was down 3.44% and the number of ships using the port was up 4.29%.
- 6.2 The Port saw an increase in throughput for the 3 months ending 30 June 2017. Compared to the 3 months ending 30 June 2016, passenger numbers were up 3.57%, passenger vehicle numbers were up 2.80%, freight was up 7.88% and the number of ships using the port was up 13.77%.
- 6.3 The Port saw a mixed position in throughput for the 6 months ending 30 September 2017. Compared to the 6 months ending 30 September 2016, passenger numbers were down 1.45%, passenger vehicle numbers were down 2.03%, freight was up 4.13% and the number of ships using the port was up 7.42%.

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 Signed by (Director)

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location