

# Port Marine Safety Code Safety Management System

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Sutton Harbour Group Plc  
Guys Quay  
Sutton Harbour  
Plymouth  
PL40ES

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## **1. Introduction**

The Purpose of this plan is to establish the policies and supporting procedures of the Sutton Harbour Authority within the structure of an integrated Safety Management system (SMS). This plan may be used as an executive summary of the policies, standards and procedures, with separate working documents available for a deeper level of detail if required. It is intended that this plan runs concurrently and in conjunction with the Sutton Harbour Holdings PLC health and safety policy.

### **1.1 Mission Statement**

The Sutton Harbour Authority is committed to complying with the Port Marine safety Code and undertaking and regulating harbour operations in a manner that safeguards the harbour, its users, the public and the environment.

The board are committed to facilitating the safety of navigation in the harbour and its approaches, regulating the activities within the harbour to ensure that all national legislation and local byelaws are complied with and enforced. Reviewing all plans policies and procedures at regular intervals.

### **1.2 Overview**

Sutton Harbour is situated to the North East of Plymouth Sound and enclosed on three sides, access to the harbour is through lock gates situated to the South. The lock opens seaward into Sutton channel which leads to the Cattewater and then into the Dockyard Port of Plymouth. Commercial fishing and leisure craft are the main users of Sutton Harbour which houses a fishmarket and three marinas with a total capacity of around 460 leisure vessels. In addition to pontoon moorings for smaller fishing vessels there are commercial quays for fishing vessels to land their catch and berth. The one main channel leads from the harbour entrance to the North providing access to the main marina, this channel is marked with seven green can buoys indicating the Eastern edge of the channel and two fixed vertical red lights on the end of the Southernmost arm of the main marina.

The harbour also accommodates visiting vessels both private and commercial and has hosted marine related events such as the Transat, Fastnet and Solitaire de Figaro yacht races. Sutton Harbour is at the heart of the Plymouth tourist trail with pedestrian access to most of the Quays.

### **1.2 Legal duties and Powers**

Sutton Harbour Authority has a legal duty and sufficient powers to,

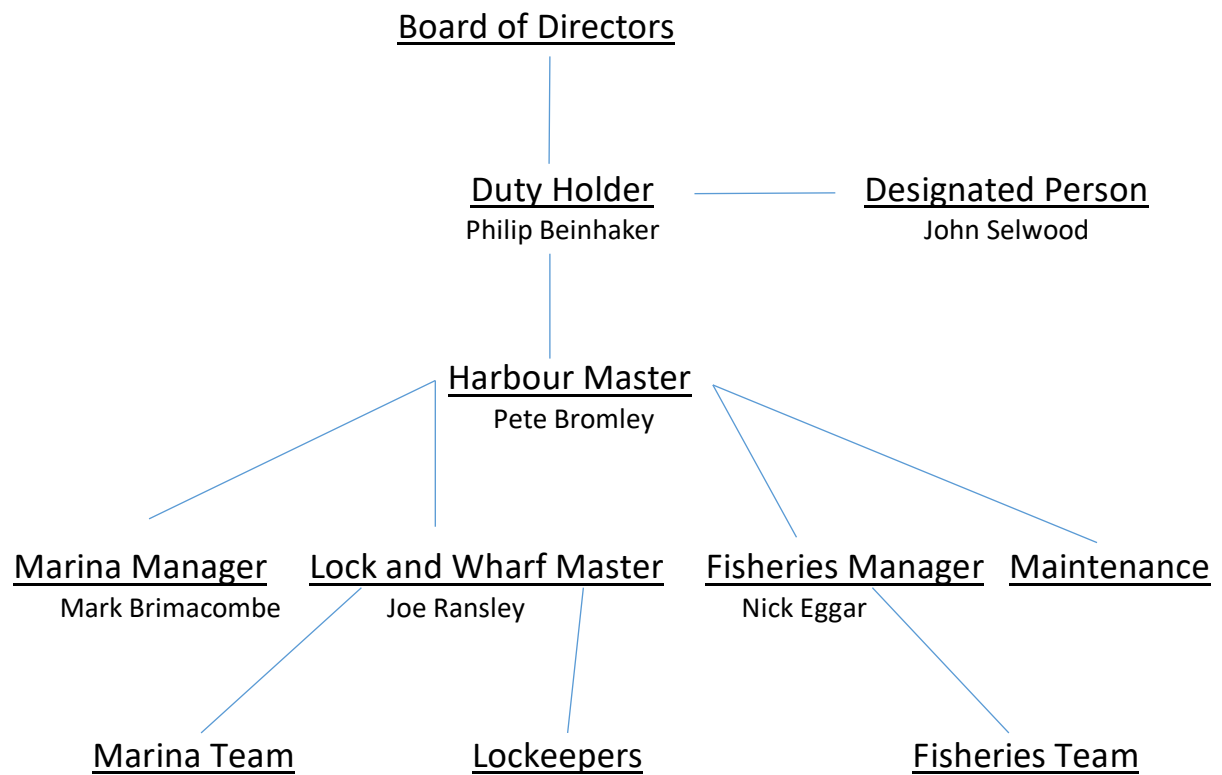
- Take reasonable care so long as the harbour is open for the public use so that all who may choose to navigate in it may do so without danger to their lives or property.
- Conserve and promote the safe use of the harbour and prevent loss or injury caused by the authority's negligence.
- Have regard to efficiency, economy and safety of operation as respects the services and facilities provided.
- Take such action that is necessary or desirable for the maintenance, operation, improvement or conservancy of the harbour.

## **2. Management Structure**

### 2.1 Current board members

<u>Name</u>	<u>Position held</u>
Philip Beinhaker	Executive Chairman
Corey Beinhaker	Chief Operating Officer
Natasha Gadsdon	Finance Director
Sean Swales	Non-Executive Director
Graham Miller	Non-executive Director

## 2.2 Management structure infographic



## 3. Accountability for marine safety

The Duty Holder and Designated Person have accountability and responsibility for delivering the required Port Marine Safety Code standards, neither the board of directors nor the duty holder may delegate their responsibilities for compliance with the code on the grounds that they do not have particular skills.

- 3.1 **The board of directors.** Manage and control the company of which the Sutton Harbour Authority is a part. The code requires each Harbour Authority to hold itself accountable for the discharge of its duties and powers to a set standard. The board of directors may appoint a **Duty Holder**.
- 3.2 **The Duty Holder.** Has responsibility for the development of policies, plans, systems and procedures for safe navigation and maintaining strategic oversight and direction of all aspects of the harbour operation including marine safety. The duty holder must also ensure that assessments and reviews are undertaken as required to maintain and improve marine safety; and ensure that the Harbour Authority seeks and adopts appropriate powers for the effective enforcement of their regulations, and for setting dues at a level which adequately funds the discharge of all their duties.
- 3.3 **The Designated Person.** Each Harbour Authority must appoint an individual as a designated person to provide independent assurance directly to the Duty Holder, through assessment and audit, the effectiveness of the marine safety management system in ensuring compliance with the code.
- 3.4 **The Harbour Master.** Has day to day responsibility for the safe operation of navigation and other marine activities in the harbour and its approaches.

#### 4. Key measures of compliance

##### 4.1 Review of existing Powers

Sutton Harbour Authority is fully cognisant of their local legislation, acts and powers as well as the wider harbour acts, associated legislation and guidance, and keep under review the need for additional powers.

To further improve the ability to manage Sutton Harbour in a safe and efficient manner a successful application was made to the Secretary of State for Transport for the Sutton Harbour Authority to be a 'designated authority' for the purposes of section 40A of the Harbour Act 1964. Following this successful application new harbour directions came into force in 2018. A full review of the existing Bye Laws has been carried out and updated new Bye Laws have been drafted.

##### 4.2 Formal Risk Assessment

It is the policy of the Sutton Harbour Authority to have policies, plans and procedures based on formal assessment of hazards and risks. SHA have a formal Marine Safety Management System in place to ensure that all risks are controlled, eliminated or kept 'as low as reasonably practicable' (ALARP).

Risk assessments are included in annex 1. All risk assessments are reviewed annually and following incidents or as a result of new activity.

Formal risk assessments are used to

- Identify hazards and identify risks.

- Assess those risks against an appropriate standard of acceptance.
- Where appropriate consider a cost benefit assessment of risk reducing measures.

The aim of this process is to eliminate the risk or to reduce risks to as low as reasonably practical. The preferred hierarchy of risk control principles is to:

- Eliminate risks by avoiding a hazardous procedure or submitting a less dangerous one.
- Combat risk by taking protective measures to prevent risk.
- Minimise risk by employing suitable systems of working.

Health and Safety at work procedures for SHC employees are set out in the SHC Health and Safety manual which included a statement of safety policy and procedures for the safe conduct of all SHA employees.

Risks are reviewed annually and Investigations are made of all incidents which have been the subject of incident reports. SHA is confident that the risks to Health and Safety are as low as reasonably practical. Nor are there any unacceptable risks to the public, property or to the environment.

#### 4.3 Safety Management System

The SHA safety management system (SMS) is based on the principle of risk assessment.

Formal risk assessments are carried for a wide range of risk factors which could be expected to occur within Sutton Harbour.

- Collision between vessels.
- Contact between vessels and fixed objects.
- Fires.
- Explosions.
- Flooding.
- Grounding.
- Stranding.
- Lock Failure.
- Accidents to personnel.
- Pollution.
- Accidental discharge of hazardous substances.

Each risk factor was looked at and assessed by the Harbour Master

#### 4.4 Incident Investigation

All incidents occurring within Sutton harbour are investigated by the Harbour Master who will take action and inform the necessary authorities if appropriate. All incidents will trigger a review of risk assessments and working procedures and any actions taken are discussed at the monthly Harbour Operations meeting with and recorded in the minutes.

All incidents are investigated by the Harbour Master to:



- Determine the cause of the incident with a view to preventing a recurrence of that incident, or similar.
- To determine if an offence has been committed and if so there may be a need on the part of the 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 M.C.A., MAIB or the police.

By ensuring that a robust independent investigation has been carried out the duty holder can be assured that their obligation for compliance has been addressed.

Any conclusion from investigations or lessons learned will be included in the Harbour Masters report together with measures being taken to prevent a recurrence. If appropriate a detailed report will be submitted to the MAIB, MCA or any other appropriate authority.

#### 4.5 Reporting and recording

When necessary all incidents and accidents are reported to the appropriate authorities and reports sent to the Harbour Association Liaison Committee (HALC) for inclusion in the Plymouth whole port incident records. All incidents are reported to the Chief Operating Officer (COO) at the monthly operations meeting and the minutes of these meetings circulated to the designated person.

All incidents and accidents are recorded on internal incident forms and in the minutes of the Harbour operations meetings and kept in the harbour office.

Incidents in relation to marine accidents will in the first incidence be reported to the MAIB accident reporting line +44 (0)23 8023 2527.

#### 4.6 Monitoring performance and auditing

A Marine Safety Plan is in place and published on the company web site, this plan sets performance targets for a three year period for,

- Management of Marine operations
- Established management activities
- Legislation
- Conservancy
- Pilotage
- Training
- Consultation and dissemination of information
- On-going management targets

This plan is reviewed annually and performance against targets published on the company web site.

#### 4.7 Annual Review and Report

An independent audit of the Safety Management System will be conducted each year and there will be an overview of incidents, accidents and failures during the year, with recommendations for addressing the shortcomings, this will be reported to the H&S committee, and to the board of directors.

#### 4.8 Regular Reviews

Notwithstanding the annual report the system will be kept under continuous appraisal and action taken when shown to be necessary. All incidents will be reviewed at each monthly operations meeting and changes made to procedures and risk assessments as appropriate.

#### 4.9 Enforcement

SHA maintains a comprehensive presence in the harbour to enforce Bye Laws and to give directions, there is a 24hr call out procedure in place to raise the Harbour Master, Lock and Wharf Manager, Fisheries Manager or other assistance as required. SHA now have the power to issue Harbour Directions under section 40A-40D of the Harbours Act 1964 as inserted by the Marine Navigation Act 2013. An updated draft of the existing Bye Laws has been completed and implementation will be progressed. The new Bye Laws will work in conjunction with our harbour directions.

#### 4.10 Publications of Plans and Reports

As a means of improving transparency and accountability and to demonstrate SHA's commitment to maritime safety and ensure the involvement of harbour users a safety plan for marine users will be published on the SHC web site and on public notice boards around the harbour. Copies of the Harbour Bye Laws, Pollution Plan, Port Waste Management Plan and Port Marine Safety Code are all available on request from the Harbour Masters office.

#### 4.11 Consultation and communication.

SHA consult with their various stake holders through user groups and by various other methods. The Port of Plymouth Marine Liaison Committee are the adopted Port User Group and there is also an active marina user group. Stake holders are communicated with and information disseminated by e-mail, newsletters, social media, web site and notice boards.

#### 4.12 Monitoring Compliance

Once every three years the M.C.A. will ask the duty holder to confirm in writing if their Harbour authority is complying with the code.

Where necessary the M.C.A. may undertake a verification visit these verification visits are usually arranged following an MIAB investigation into an accident but may be triggered by other indicators of non-compliance.

#### 4.13 Competence Standards

All the SHA staff involved with the day to day running of the Harbour and the operation of the lock are competent to carry out their necessary duties. Full training both formal and in house is carried out before new employees take up their posts and on a regular basis thereafter. The competency and performance of all SHA staff is monitored annually through a formal appraisal system. The need for additional training is constantly under review and usually follows the introduction of new working practices.

### 5. General Duties and Powers

## **5.1 Conservancy**

### **5.1.1 Hydrography.**

A full hydrographic survey including a side scan element is carried out every two to three years with the last being completed in April 2021. The result of the survey is made available for publication to the U.K. Hydrographical Office in accordance with the hydrographic code of practice and to Navionics commercial electronic chart suppliers. Copies of the hydrographic records are kept in the harbour office, lock tower and in the marina office and available on request. Following each survey a comparison exercise is undertaken by the Harbour Master to identify any new obstructions, silting or narrowing of the channels.

There is a depth gauge visible to harbour users situated in the lock barrel at the entrance to the harbour and the lock tower is equipped with electronic gauges showing the various depths of water inside the harbour, outside the harbour and in the lock barrel.

### **5.1.2 Quay Walls**

The quay walls and jetty structures within the harbour are surveyed annually or every two years by independent consultants the last survey was April 2021, the results of the survey are discussed at the monthly harbour committee meeting and a program of maintenance and repair carried out based on the findings and recommendations of the reports. An ROV survey took place in 2017 to inspect the below sea level sections of the harbour walls.

### **5.1.3 Navigation**

Given the size and nature of the harbour a VTS system is not considered to be necessary. Vessel movement within the harbour is controlled through Sutton Lock and vessels may enter or leave the harbour on request under the direction of the lockkeeper. The lock is manned 24/7 and contactable on Vhf ch12 or by telephone. Entry into and out of the harbour is controlled by a traffic light system and the main channel leading to the North of the harbour is marked by seven starboard hand buoys, and two fixed red lights on E arm of the Marina all navigation aids are approved and inspected annually by Trinity House, Last inspection May 2021.

### **5.1.4 Prevailing conditions**

Daily updated long and short term weather forecasts are displayed at the marina office and real time wind speeds and barometric pressures are available from the lockkeeper on Vhf ch12. In the event of severe weather or an Environmental agency flood warnings the lock gates are closed to protect the harbour and surrounding properties from flooding or storm damage.

## **5.2 Environmental**

Section 48A of the Harbours' Act imposes a duty on authorities to have regard in the exercise of functions to environmental considerations. SHC is committed to protect and where possible improve the environmental status of the harbour by taking into account any potential damage or disruption to the environment when carrying out operations within the harbour.

SHA has a working environmental policy which has been approved by the board of directors. All harbour functions are carried out with regard to the possible environmental impact, protecting the marine environment, landscape and heritage from damage and pollution. SHA is represented on the Tamar Estuaries Consultative Forum and the Port of Plymouth Marine Liaison Committee.

### **5.3 Pilotage**

SHA is not a competent harbour authority for the purposes of the 1987 pilotage act and as such does not provide a pilotage service however entry and egress from the harbour and movements including berthing within the harbour by large vessels, vessels restricted in their ability to maneuver and vessels with limited maneuverability are risk assessed and if thought appropriate pilotage services are sought from Cattewater Harbour Authority who are the CHA for the Port of Plymouth. These services are provided on a case by case commercial basis and the need for pilotage is kept under review.

## **6. Specific Duties**

### **6.1 Flood Protection**

The lock gates at the entrance to the harbour are essentially for flood protection and are operated by SHA staff and maintained by the Environment Agency as part of the Barbican flood prevention scheme. The depth of water within the harbour is maintained at not less than 3.4 metres above C.D. and not greater than 5.7metres above C.D. The lock is manned twenty four hours a day and subject to draft and following the lockkeepers instructions vessels are free to enter and leave the harbour on request.

### **6.2 Moorings**

SHA provide up to 490 annual marina berths for leisure and charter vessels in addition to 60 dedicated pontoon berths for commercial vessels and some alongside berthing for landing and berthing of the larger trawlers and non-resident vessels.

### **6.3 Pollution Prevention**

SHA has a working pollution plan in place in addition to being included in the Dockyard Port of Plymouth and Tamar estuaries pollution plan.

SHA staff are fully trained to MCA 4P standard to deal with Tier 1 incidents with Tier 2 response being supplied under contract by Ambipar. All pollution incidents are reported to the HALC committee for inclusion in the Port of Plymouth incident statistics. The pollution plan is exercised in accordance with the MCA guidelines.

SHA has a Port Waste Management Plan in place approved by the MCA in April 2021. The various waste collection points waste reception facilities and recycling initiatives are outlined in this plan SHA is registered as a waste producer with the environment agency (registration number NON750 ) and is a supporter of the national fishing for litter scheme.

### **6.4 Emergency planning**

SHC has risk assessed the following foreseeable emergency situations and has developed risk assessments and procedures to deal with these incidents should they occur.

- Oil Pollution
- Grounding or collision
- Diving accident or emergency
- Fire on board a vessel
- Lock failure

## 7. Powers

- (i) SHA has the authority to make bye laws under the 1847 Harbours docks and Piers clauses Act which is incorporated into the 1847 Sutton harbour Act and also under the 1889 Sutton Harbour Act. The current bye laws were published in 1926 and are currently undergoing a full review with completion and implementation planned by the end of 2019.
- (ii) In 2015 SHA was made a 'Designated Authority' for the purpose of section 40A of the Harbour Act 1964 as amended by the Marine navigation act 2013 giving additional powers to make harbour directions in order to regulate the movement, mooring and un mooring, equipment and manning of ships.
- (iii) Power to charge dues.
- (iv) Removal of wrecks (section 252 of the merchant shipping act).
- (v) Prohibit dangerous vessels from entering the harbour (dangerous vessels act 1995)
- (vi) Prevention of pollution, includes the detention of vessels suspected of discharging oil or a mixture containing oil into the water.
- (vii) Under the 1847 Harbour Piers and Clauses Act the Sutton Harbour Master or his appointed representatives may give directions for the following purpose.
  - Regulate the time or manner in which any vessel may enter, leave or lie within the jurisdiction of Sutton Harbour including the place of mooring.
  - Regulate the position in which any vessel shall load or unload its cargo or passengers.
  - Remove unserviceable vessels and other obstructions from the harbour.

## 8. Assurance and Inspection

**The duty holder**, Philip Beinhaker, is on behalf of the harbour authority accountable for managing operations within the port safely and efficiently.

**The designated person**, John Selwood, will conduct regular advisory visits to assess the effectiveness of the SMS. He will attend formal Health and Safety meetings and conduct a formal annual review of the SMS reporting each time to the board of directors.

**The Harbour Master**, Pete Bromley will keep the SMS under review to ensure that all current legislation is being followed & conservancy targets achieved reporting directly to the duty holder

and board of directors. He will report on all marine related incidents at the monthly harbour operations meeting and confirm that any action taken or required is followed up with revised operational policies and risk assessments where appropriate