



Hayle Harbour

EXTERNAL PORT MARINE SAFETY CODE AUDIT

CAPT | R M J PARSONS | 27/11/2019

Executive Summary

As Designated Person, as required by the Port Marine Safety Code, PMSC, I have been requested to conduct an annual External Port Marine Safety Code audit of Hayle Harbour Authority, HHAL. The structure of this report is generally based around the PMSC Aide Memoire for attending MCA Officers and reference to HHAL last internal audit. The numbering sequence has mirrored the Internal audit for ease of reference. Each heading will give you an overall view of my opinion and I have added comments to each line/question using a colored text by way of a traffic light system for quick access to the duty holder. This report will be finalised in my summary where I will give a brief overview of my findings and recommendations, Specific detail is detailed within the report. Having received numerous MCA checks, I feel this structure is sound and I am duly qualified to carry out this audit.

The audit was conducted on Friday the 27th September 2019 and I was met by both the Harbour Master and Deputy. I was presented with all available audits, files and records immediately and a very welcome coffee.

Introduction

The last Port Marine Safety Code external audit was carried out by the designated person in October 2017 and there have been subsequent internal audits, of which some have been lost due to the apparent lack of integrity by the previous Deputy. Hayle Harbour have been unlucky by way reports, of which I am sure now, with the staff you have, will stabilise. It was immediately apparent on starting this audit the challenges the management team have had to deal with due to HR issues surrounding the previous DHM. I am proud to announce that the management team at Hayle Harbour now, and in particular the DHM have done a very thorough job in rectifying issues and preparing for this audit.

The personnel interviewed for this audit were

- Peter Haddock - Harbour Master
- Ben Lawlor - Deputy Harbour Master

1 a Port Details

Hayle Harbour has a moderate amount of movement commercially in comparison to its historical role. What was abundantly apparent was the growth in leisure craft use and the challenges this brings. With the further aspiration to build residential properties within harbour curtilage the potential increase in leisure activity is huge. My recommendation at this stage is to assess the roles and responsibilities presently held and estimate your final liability once your property expansion is complete. The present make up of staff is adequate for now, but it is always better to be ready than having to react, this approach will certainly mitigate any increase risk to the duty holder and assist the present staff during the growth.

Commercial	Annual throughput of Cargo	N/A	Tonnes
	Vessel movements	N/A	
Fishing	Annual throughput of fish		Value 80,000
	Vessel movements	Various, but restricted to high water as the harbour dries	
leisure	Total number of berths (including Pontoon)	Harbour 181 includes bank wall and pontoons 26	

1 b Reports to Governing Body

The details with regards to reporting dates are below.

Last Statement of Compliance to MCA	March 2018
Last Internal Audit	September 2016
Last external Audit	September 2019
Last report to Governing Body	December 2017
Last published commitment to the code	September 2019

1 c Hayle Harbour Governance

Hayle Harbour is privately owned harbour with the power of enforcement through both general and local legislation. Despite the PMSC and PGGG being voluntary the consensus of non-compliance or attempted compliance is severely frowned upon from a regulatory perspective. Staying within the guidelines of the code are a solid basis for legality of operations of which overall it is apparent HHAL are safely within. Despite stating this harbour staff are not legal professionals and with an ever-changing world remaining current will become ever more important to the safe operation and compliance. With HHAL operating with what I perceive as a skeleton staff I strongly recommend the joining of institutions such as the British Ports Association where membership is based upon income and any legislative changes are immediately passed to the team. Other institutions are available.

For information I have included text from your recent internal audit with my input:

- *The Board, (the duty holder) are both individually and collectively responsible for ensuring that Hayle Harbour Authority complies with the Code. In order to effectively undertake this role, they should:*

HHAL are a small entity and will be deemed as part of a larger group/ investment portfolio by the owners. The duty holder has evidently recruited fit for purpose personnel, which under the code are the duty holders competent person, however I am concerned that the Harbour Master is not deemed as part of that duty holder entity. This is not a legal requirement, but my concern is that the duty holder needs to be identifiable to the public. I appreciate at present the duty holder is the owner and the operations director, but I strongly believe that the HM should be included within minuted meetings with the Duty Holder for the sole purpose of transparency and to show that the duty holder are making decisions with reference to the port with advice from the HM. This should not be over complicated, but the executive should have a formal conduit relating to the port and the safety thereof. I cannot comment as to the business strategies of the port owners, but it must be accepted, and I am sure it is, that this asset brings with it a huge amount of liability and must therefore be administered in accordance with the regulation of that asset.

- *Be aware generally of Hayle Harbour Authority Authority's powers and duties related to marine safety. The board are again to be aware of their responsibilities but the employment of a competent person to advise and ensure marine safety within the duty holder's jurisdiction.*

This again comes down to understanding. I am concerned that the duty holder has not received governance training or PMSC training to challenge the competent person. Putting too much emphasis on the competent person may increase risk but, in this instance, I do not think that is the case, however I recommend that the present Duty Holder conducts both Governance and PMSC training, which takes only a day. This again can be obtained through the BPA but in this instance, I would like to offer this from

Newlyn Harbour in 2020 at no cost to you. 2020, Newlyn Harbour has BPA training from the DfT which will assist you all in your roles.

- *Ensure that a suitable Marine Safety Management System (MSMS), which employs formal safety assessment techniques, is in place and they fulfill this by the employment of a competent person i.e. the Harbour Master*

Your Harbour Master is seasoned and rational. Succession, I can see is on the agenda and albeit your Deputy is relatively inexperienced in the maritime sphere, his approach, manner and intelligence make for a very suitable replacement for Peter when that is appropriate. I strongly recommend that the DHM is focused upon Port related qualifications first to give a full view of the Port Industry, coming to the refined qualifications of H&S in time.

- *Appoint a suitable designated person to monitor and report the effectiveness of the MSMS and provide independent advice on matters of marine safety;*

I am sure reading this you are regretting my appointment already.

There are many more points the code makes however, the bottom line for Hayle is as stated above in my recommendations. The governance requirements are tabled below with further comments from myself.

GOVERNANCE					
1	GtGP	PMSC		Y/N	Comment
1.1	1.5-1.6	1.3 - 1.5	Is the legislation including local legislation that is applicable to Hayle Harbour Authority available and up to date	Y	
1.2	1.6.1 2.3-2.6	2.3-2.6 3.11	Is the legislation reviewed regularly to determine if fit for purpose and adequately covers risks identified?	Y	Sufficient audits are scheduled, and a satisfactory knowledge shown
1.3	1.3-1.4	3.11	Are the statutory duties and powers of Hayle Harbour Authority effective for purpose?	Y	My advice is to keep it simple and any cases undertaken logged for lessons learnt moving forward.
1.4	1.3-1.4	3.11	Has a statement been included in Hayle Harbour Authority's plan about their legal duties & Powers	Y	
1.5	1.6.1	3.11	Are the Hayle Harbour Authority's limits of jurisdiction appropriate to the current activity of the port?	Y	The harbour limits are clearly defined and resident within the Harbour Masters Office.
1.6	1.6.2	4.2	Is the Harbour Master familiar with and does he understand the extent of his legal powers	Y	An experienced HM with a motivated DHM. A solid understanding of what's needed and aware of where to refer to for the more obscure issues. I would recommend Douglas & Geen THE LAW OF HARBOURS, COASTS AND PILOTAGE
1.7	1.9.7	4.3 - 4.4	Does Hayle Harbour Authority have Byelaws?	Y	Reviewed internally in 2009
1.8	1.8	4.6-4.7	Does Hayle Harbour Authority have powers of Special Directions? 1847 Harbours, Docks	Y	Albeit this is covered within both the Harbours Act and Piers and clauses Act the Duty Holder should always consider the progression to

					General Directions or other form as the port evolves.
1.9	1.9	4.8-4.9	Does Hayle Harbour Authority have powers of General Direction / Harbour Directions?	N	Staff should consider or remain up to date with the ever-evolving legislation changes and how to update your local powers. HROs are now administered by the MMO and a full report on options for the board should be considered moving forward.
1.10	1.9.4	3.13	Are there grounds for applying for a Harbour Revision Order?	Y	
1.11	1.9.1 2	2.25	Is a clear enforcement policy in existence, clearly promulgated and adequately resourced?	Y	In SOP's

2 Accountability for Marine Safety

The accountability of Marine safety, I believe, have already been touched upon along with the national standards as set in the code. My audit found no pressing immediate issues other than already raised. I hope with my recommendations taken, further clarity as to HHAL stance to safety and transparency will be obvious to both users and regulatory authorities.

ACCOUNTABILITY FOR MARINE SAFETY					
2.	GtGP	PMSC		Y/N	Comment
2.1	2.1.1	1 1.6-1.8	Is the duty holder defined and published?	Y	The Harbour Board are the duty holder and its members published in the MSMS 1.3.2 This should be improved by the publishing of the Duty Holder and its responsibilities on the Website. HHAC is only a advisory/stakeholder group and transparency will be better served if the DH is public. Sitting in the MSMS is ok but hidden.
2.2	2.2.20		Is it stated in the MSMS that the duty holders are collectively and individually responsible and that they cannot assign or delegate their accountability for the compliance with the code on the grounds they do not have particular skills	Y	Present in the MSMS 1.3.2 and as above.
2.3	2.2	1.1	Has Hayle Harbour Authority published a commitment to comply with standards laid down in the Code?	Y	Marine Safety Policy states the Harbour Authority is committed to complying with the code, signed by Duty Holder 6/2/19. This should also be published on the website.
2.4	2.2.5	1.1 1.13 1.17	Are the executive and operational duties for Hayle Harbour Authority stated and assigned?	Y	Executive staff, duty holders 1.3.2. Operational staff HM & AHM 1.3.3.
2.5	2.2.19	1.6-1.10	Does the duty holder have an understanding of port marine activities, MSMS and supporting policies and procedures?	N	Limited knowledge, recommendation that the Duty Holder undertakes PMSC training. This does not need to arduous and can tie into Newlyn Harbour BPA endorsed training.

2.6	2.2.22, 2.2.23	1.2	Do new Duty Holders receive PMSC training as part of their induction?	N	It is recommended that all duty holders undertake PMSC training. A minimum of DP training.
2.7	2.2.20	1.9, 1.141.15	Has a Harbour Master been appointed for Hayle Harbour Authority?	Y	Appointed in 2012
2.8	2.1.1, 2.2.21 2.2.25 38	1.11 1.12	Has a designated person (DP) been appointed for Hayle Harbour Authority?	Y	Rob Parsons, Appointed in July 2018
2.9	2.1.21 2.2.26	1.11	Does the DP have sufficient independence?	Y	The DP is not involved with the daily operations or running of the port.
2.10	2.2.25	1.11	Does the DP have direct access to the Duty Holder?	Y	Direct access to the harbour board.
2.11	2.2.26 – 38, 2.2.30	1.11	Does the DP provide an effective level of assurance, through assessment and audit to the Duty Holder?	N	DP new to post, requires to meet harbour board and carry out external audit.
2.12		1.8, 2.30, 2.31	Have the harbour board (Duty Holder) sent a letter of Code compliance to the MCA within the last three years?	Y	2018
2.13			Is there a safety committee meeting	Y	Monthly safety reports sent to the Duty Holder
2.14			Is the PMSC a standing item on the agenda at board meetings	N	However monthly safety reports are sent to the Duty Holder and quarterly reports to HHAC

3. Consultation and Communication

I was impressed with your Harbour Master's approach to communication. I understand that HHAL is a small outfit but the policies and understanding of your vision is understood by all parties. The HHAC is running well and is a proven conduit to your users, which is a product of your HM's approach. I would urge the HM to assess the productivity and input to the HHAC in conjunction with the HHAC Chair, this way the product of the HHAC remains constructive strategically and the village reticence for change approach can be avoided.

CONSULTATION AND COMMUNICATION					
3	GtGP	PMSC		Y/N	Comment
3.1		3.3	3.12 3.13	Y	The SMS is available to all staff on request. This is fine with only two personnel on payroll but thought should be had to placing such HSE and PMSC location within the employee handbook
3.2		3.3.2 5.1.6	2.17	Y	A solid system in place which was easily identifiable within the SOPs
3.3		3.2.10- 11		Y	HHAC, which is passed through to the duty holder via the HM
3.4		3.2.12	2.28	Y	Sufficient means sighted

3.5	3.2.12		Is the list of local notices or information Notes up to date and how are they published	Y	Sufficient means sighted through website and Harbour network methods
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4. Risk Assessments

In simplistic terms the core operation of a harbour is to capture all the associated risks and ensure enough controls are in place, and therefore mitigate that risk through those controls for the Duty Holder. My audit finds this area is exceptionally strong for HHAL and no further comment is required.

4 RISK ASSESSMENT					
4	GtGP	PMSC		Y/N	Comment
4.1	4.1.1	2.7-2.11	Have all routine and non-routine risks associated with marine operations been formally assessed by Hayle Harbour Authority	Y	Clear evidence that the risks have been captured. A clear focus on H&S training is evident at Hayle, which is fine, but perhaps more planned training on maritime skills may be more important as the staff grows. Clear understanding and seaman skills will in turn reduce risk.
4.2			Have the environmental consequences to the SMS and consequent risk control measures been assessed and implemented	Y	Fully sighted but this will have to be monitored closely as the property build plan increases. Contractors will have their own CEMP but will they have taken the marine environment into account?
4.3			Have past events and accidents / MAIB reports been analysed in preparing risk assessments	Y	No MAIB reportable incidents.
4.4	4.2.28	2.8	Have the risk assessments been completed by competent people	Y	By the HM who is risk assessor qualified
4.5	4.2.21		Do the risk assessments clearly identify those risks that are not ALARP	Y	Colour coded high risk is Red. Very clear.
4.6			Are risks continuously re-assessed with new hazards and changed risks properly identified	Y	Reviewed annually and also following an incident. I feel that perhaps the RA are better served staggered and random RAs checked to avoid skill fade.
4.7			Have the 4 standard criteria for identified outcomes been assessed i.e. life, environment, business(reputation) and damage (port shipping)	Y	Very Clear and well marked
4.8			When were risk assessments last reviewed?		November 2018
4.9	4.3	2.9	How does Hayle Harbour Authority help employees understand the standing risks they will encounter from the risk assessment?	Y	Risks clearly laid out in risk assessments and it is evident that continual training is given by the Harbour Master.

4.10	4.3	2.9	Does the RA process allow for special circumstances (e.g. "Dynamic RA" for an unusual operation or event)? How does Hayle Harbour Authority help staff to dynamically assess each situation on the day	Y	Training /Toolbox talks
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5. Marine Safety Management System

With a keen eye to try and find recommendations I was left wanting, which is fantastic to see. HH MSMS is more than fit for purpose. Of course, there are always changes, additions to be made but the process of review from both the HM and DHM are such that any snap inspection from a regulatory body will always, in my opinion at audit, return a compliance to Hayle.

MARINE SAFETY MANAGEMENT SYSTEM					
5	GtGP	PMSC		Y/N	Comment
5.1	5	2.12	Is there a documented MSMS?	Y	All volumes used sighted. This method I would class as best practice.
5.2	5.1.10	1.2, 2.122.1	Does the MSMS contain or refer to procedures to cover the major aspects of marine safety within Hayle Harbour Authority?	Y	Detailed in SOP's and dovetails into the overall H&S policy
5.3	5.1.5, 5.1.6		Hayle Harbour Authority Policy statements:		
			Code compliance,	Y	
			Navigation,	Y	4.1 MSMS
			Pilotage,	Y	I have altered the internal audit answer from N to Y. HH does not offer pilotage but the continual review is sufficient under the code and DfT guidance
			Marine Conservancy,	Y	3 MSMS. SOPs part 3
			Environmental,	Y	9.8 MSMS
			Enforcement and Prosecution.	Y	4.2 MSMS
5.5			Defines the organisation and personnel roles	Y	1.3.2 Board 1.3.3 Operational
5.6			Sets standards and levels of qualifications for various employees and contractors	Y	
5.7	6.1.1		Deals with preparedness for Emergency plans;		Port has a Tier 2 Oil Spill Contingency Plan (OPRC)
5.8	5.1.12	2.14	Does the Hayle Harbour Authority MSMS contain a procedure for measuring performance including a database to record incidents and near misses?	Y	A record of incidents and near misses is maintained and has been sighted
5.9	5.1.13	2.14	Does the Hayle Harbour Authority MSMS include processes for effective (annual) internal audit, review of procedures and external audit?	Y	Annual external audits and internal audits are conducted Detailed in SOP'S
5.10	4.2.5	2.10	Does the Hayle Harbour Authority MSMS review process include risk assessment review and are lessons learnt applied to relevant procedures?	y	Risk assessments are reviewed regularly which is stated above and deemed best practice.

6 Emergency Preparedness and Response

This heading can bring with it multiple issues but Hayle is deemed compliant. The type of vessel Hayle see at present negates any need for detailed policies but again should the traffic increase the HM may want to review his emergency plans.

6 EMERGENCY PREPAREDNESS AND RESPONSE					
6	GtGP	PMSC		Y/N	Comment
			Does Hayle Harbour Authority have emergency plans for:		
	6.1.4		Marine operations; Fire on a vessel	Y	Sighted
			Flooded engine room	N	This and the others can be amalgamated into one disaster style RA
			Beaching points	N	
			Fishing vessel approaching the port with trawled up ordnance on board	N	
			Fishing vessel alongside with trawled up ordnance on board	N	
	6.4		Pollution	Y	Oil spill contingency plan
	6.2.5		Explosives (HSE).	Y	No explosives moved through port other than Marine signals. Pyros should however be logged and appropriately discharged or passed over. Albeit HH is not registered for Pyros transparency is key and the likelihood of having to deal with them is high.
	5	2.14	Are emergency plans included in or referred to in the MSMS?	Y	
	6.1.2	3.9	Is the organisation included in larger national or regional plans?	Y	National and Cornwall council
	6.8.13		Does Hayle Harbour Authority have a published exercise programme and carried out exercises?	N	
	6.2 6.3		Does the SMS address the handling of dangerous or polluting cargoes/substances?	N	This may be worth considering as you will never know when you have to deal with this. Best to have this in place.

7 Conservancy

Due to the different type of vessel and usage of Hayle I fully understand that conservancy is less pressing in the operation of the harbour. The Harbour Staff have a good hold on the impact of sluicing and the local effects; however, I would recommend a lengthy conservancy plan for stakeholder info. Yearly bathymetric surveys are unrealistic due to the movement of sediment, but a five yearly survey will show your users that it is considered and will show trends over a further lengthy period.

7 CONSERVANCY					
7	GtGP	PMSC		Y/N	Comment
7.1	7.1.1	3.6	Does Hayle Harbour Authority understand its conservancy duties?	Y	The Operational staff are aware of their obligation
7.2	7.2	3.6-3.7	Does Hayle Harbour Authority Carry out regular hydrographic surveys;	N	This can be improved by creating a conservancy plan. This will clearly show that it is considered.
7.3	7.2.15		Maintain navigation marks in optimum position;	Y	
7.4	7.2.17		Monitor changes in the seabed;	Y	Aerial photographs
7.5	7.3		Keep proper hydrograph and hydrological records	Y	
7.6	7.3.3	3.6-3.7	Does Hayle Harbour Authority take action on, and promulgate the results of surveys (including to the UKHO)?	Y	
7.7	7.1A, 7.1.1	3.6	Does Hayle Harbour Authority have procedures for ensuring berths are safe?	Y	Regular inspections.
7.8	(7.3.3, 7.3.4), 3.2.1	3.6, 4.23, 4.24	Is communication regularly maintained with and information and returns supplied, when required to the appropriate GLA?	Y	Annual inspections with GLA are sufficient and kept.
7.9	7.5.1, 7.5.5	4.21 4.24	Is Hayle Harbour Authority the LLA?	Y	
7.10	7.5	4.214.24	Are Aids to Navigation maintained by the harbour authority in accordance with the availability criteria laid down by the GLA?	Y	Aids to Navigation are inspected monthly and recorded.
7.11	7.4.1		Does Hayle Harbour Authority have the statutory powers to dredge in their local legislation?	Y	Harbour Act Chapter 40 MSMS 3.2. Consideration should be made to the removal of dredged material and any licencing activity moving forward.
7.12	7.4.5, 7.4.6, 7.4.7	3.4	Does Hayle Harbour Authority understand the consent process for capital and maintenance dredging and disposal plus monitor adherence to the consent conditions?	Y	Needs referencing in the MSMS. All that will be required is reference to the MMO online portal.
7.13	7.6	4.26	Does Hayle Harbour Authority have appropriate powers and a defined policy on wreck removal and salvage?	Y	SOPs reference this and this can be further bolstered by quoting the HM's general powers as stated in the Piers and Clauses Act so empowering.

8 Management of Navigation

This area was found in good order with correspondence from Trinity House as GLA. I have no further comment.

8 MANAGEMENT OF NAVIGATION					
8	GtGP	PMSC		Y/N	Comment
8.1	8.4	2.13	Does Hayle Harbour Authority maintain any form of traffic monitoring?	Y	Visual, AIS, VHF and mobile phone, CCTV are sufficient for safety.
8.2	8.4.3, 8.4.9		Has the need for LPS or VTS been formally assessed?	Y	The size of port and traffic does not at this time warrant VTS
8.3	8.75	3.3	Does Hayle Harbour Authority have VTS procedures?	N	
8.4	8.7.1517		Does Hayle Harbour Authority enforce the requirement for a Port Passage Plan for visiting vessels?	Y	MSMS 8.2 Formal passage plan needed is needed but this is at the HMs Discretion.
8.5	8.7.21		Does the Hayle Harbour Authority provide abort procedures?	N	Once committed to entry an abort is usually not practical.
8.6	7.5, 8.4	3.6, 4.214.24	Have the conservancy provisions (e.g. navigation aids) been assessed in relation to effective management of navigation?	Y	Inspected monthly and answered within section 7
8.7	8.2.1	3.5	Have the needs of all harbour users (including recreation) i.e. "Open port duty" been fully considered in the management of navigation?	Y	The authority regulates the movement of all vessels within the port. The duty holder will have to reassess this as the property portfolio increases.
8.8	9.4.	4.11, 4.12	Has Hayle Harbour Authority identified the needs for pilotage through risk assessment	Y	The size of vessels using the port do not require a pilot however a video showing visitors the marks and local effects may be prudent.
8.9	8.10.111		Does Hayle Harbour Authority have to accommodate operations or events outside normal commercial activity?	Y	Festivals and rowing events are held but the RA and focus from the staff are more than sufficient.
8.10	8.11		Are there subsea pipelines and/or power cable within the area of jurisdiction? If so, is their protection contained in the MSMS?	Y	Sighted

9 Pilotage

Hayle remains a Competent Harbour Authority, CHA under the provisions of the pilotage Act 1987. The provision of pilotage must be continually reviewed, which it is. My concern moving forward is the rapid transformation your property plans will bring. Pleasure craft will not need pilotage, however it may warrant a without prejudice drone video which clearly marks out the channel and states the obvious to the pleasure craft user. This can have all the caveats attached to avoid culpability but can be very effective in aiding the avoidance of collisions, especially with random leisure craft users.

PILOTAGE					
	GtGP	PMSC		Y/N	Comment
9.1	9	4.11	Does the Hayle Harbour Authority provide pilotage?	N/A	
9.2	9.4 14,17	4.12	Has Hayle Harbour Authority issued pilotage directions?	N/A	
9.3	9.4.2		Has Hayle Harbour Authority risk assessed to determine whether Pilotage should be compulsory	Y	The size of vessels that operate from Hayle do not require compulsory Pilotage
9.4			Does the safety management system address the duty to keep the need for Pilotage under review	Y	Already answered
9.5	9.4.25		The authorisation for pilots	N/A	
	9.4.30		The arrangement under which its Authorised pilots are engaged direct employment	N/A	
9.6			The approval of Pilot Launches	N/A	
9.7			The issue of exemption certificates	N/A	
9.8			Is there a system in place to ensure pilots are properly rested before duty	N/A	
9.9			Is proper time allocated for the development of a passage plan	Y	
9.10			Has a formal risk assessment been used to identify when more than one pilot would be needed	N/A	
9.11			Do pilots meet statutory requirements and appropriate Codes	N/A	
9.12	9.4.33 9.4.42		Does Hayle Harbour Authority have formal procedures for assessing applicants for pilot exemption certificates and issue of subsequent certificates and revalidations?	N/A	
9.13			Does Hayle Harbour Authority have formal written agreements with pilot Exemption Certificate holders and their employers to regulate the use of certificates?	N/A	
9.14			Does Hayle Harbour Authority have formal procedures for the suspension and revocation of a pilots authority.	N/A	
9.15			Does Hayle Harbour Authority ensure pilots and PEC holders are appropriately trained and that their authorisations are re-validated every 5 years?	N/A	
9.16			Does Hayle Harbour Authority formally require the use of passage plans (ie in the Pilotage directions)	N/A	
9.17			Does Hayle Harbour Authority publish up to date guidance or general passage plans adopted by the port	Y	See section 8

10 Ship Towing Operations

Hayle operates a small workboat and the operational use is such that level of coding is enough for its use. Hayle has a policy of the use of tugs within its jurisdiction, which must be strict by way of insurance, coding and competence. This doesn't impact upon you at present but should HHAL want to expand and the consideration of a purchase of a tug and its use will require details thought.

10 SHIP TOWAGE OPERATIONS					
	GtGP	PMSC		Y/N	Comment
10.1	10		Does Hayle Harbour Authority use tugs?	N/A	
10.2	10.2		Does the risk assessment include the use of tugs as a mitigation measure	N/A	
10.3			Have towage services been fully assessed for suitability to the needs of vessels using the harbour	N/A	
10.4			Are the tug resources adequate for harbour needs?	N/A	
10.5			Are tugs used in restricted visibility	N/A	
10.6	10.2	4.6	Do Harbour Masters' procedures include the facility to use special directions if masters and/or pilots propose departure from guidelines?	N/A	
10.7	10.3,813		Has Hayle Harbour Authority: put in place: • Risk assessment; • Method statement; and • Passage plan. with regards to dead tows etc	N/A	
10.8	10.3.11		give written approval for such moves.	N/A	
10.9	10.3.13		train pilots in dead-ship towage.	N/A	

11 Marine Services

Points already raised.

11 MARINE SERVICES					
	GtGP	PMSC		Y/N	Comment
11.1	11.2		Does Hayle Harbour Authority exercise any powers of regulation over port craft	Y	General Powers and local Byelaws so empowering.
11.2	11.2.2		Where port craft do not have to comply with national legislation does Hayle Harbour Authority impose any form of inspection and licensing?	N	
11.3	11.3		Has Hayle Harbour Authority ensured that workboats used in the harbour are "fit for purpose" for any use they are involved with i.e. compliant with appropriate MS Regulations and the 2016 revised work boat code.	N/A	The Authority only has a Harbour launch but the use of must be continually assessed to ensure safe working practices.
11.4	11.4, 6.6.3		Does Hayle Harbour Authority control operations with a process/procedure for: • Hot work;		Permit to work required from the Harbour authority
			• Bunkering;	Y	
			• Engine immobilisation;	Y	
			• Commercial Diving/swimmer.	Y	Permit to dive required
			• Cranage operations Mobile cranes	Y	Permit to crane required

11.5	11.5		Does Hayle Harbour Authority permit recreational diving in the harbour?	Y	Not permitted
11.6	11.6		Does Hayle Harbour Authority regulate the mooring of vessels in the harbour?	Y	This is conducted via licence and I am content this is enough under the code.

12 Professional Qualifications and Competencies

A very Health and Safety Approach to training which is good, however there are courses that cover Port Management in its entirety, including what you need regarding H&S as an HM. I would recommend the DHM enrolls on the Port Management Diploma course to give a broader view of port management rather than purely focused on Health and Safety, which at present is covered by the HM in abundance.

12 PROFESSIONAL QUALIFICATIONS AND COMPETENCIES FOR PORT MARINE PERSONNEL					
	GtGP	PMSC		Y/N	Comment
	12.5	1.16, 2.18	Does the Harbour Master hold an appropriate qualification?	Y	As stated the qualifications are very focussed towards H&S. Port Management diplomas are available which will cover what is needed for H&S within the port. Conducting the diploma will also train staff on finance, conservancy, Maritime Law amongst others. This is far more broad brush.
	12.5	1.16, 2.18	Do the Deputy and/or Assistant Harbour Masters hold appropriate qualifications	Y	In progress
	12.7	1.16, 2.18	Do VTS officers hold appropriate qualifications?	N	Not Applicable
	12.8	1.16, 2.18	Does the harbour authority ensure that Harbour staff are suitably trained, assessed and competent to carry out their assigned roles?	Y	SOPs
	12.9	1.16, 2.18	Does the harbour authority exercise control over the training and competence of tugs crews?	N	Not Applicable
	12.10	1.16, 2.18	Does the harbour authority, directly or indirectly, employ suitably qualified hydrographic surveyors	Y	When required
	12.11	2.18	Does the organisation have a training policy and maintain training records?	Y	Records of Staff training have been completed and sighted

13 Accident Reporting & Investigation

Fortunately, the reportable incidents in Hayle are few and far between. What was apparent was the written process within the SOPs for investigations. No recommendations.

13 ACCIDENT REPORTING & INVESTIGATION AND ENFORCEMENT					
	GtGP	PMSC		Y/N	Comment
13.1	13.8	2.20	Does the SMS include procedures for accident/incident investigation?	Y	Pro forma
13.2	13.4.2	2.23	Does Hayle Harbour Authority follow a set procedure for informing the MAIB?	Y	Online reporting pro forma. SOPs 1.3
13.3	13.3.610	2.21	Does the process separate offences for investigation by other agencies? (Police/MCA/EA etc.)?	Y	In House incident / accident pro forma
13.4	13.11.6	2.20	Does the investigation process inform the risk assessment for review purposes?	Y	Risk assessments are updated as required to ensure risk is to ALARP following the investigation report
13.5	13.9	2.11	Does the promulgation of the findings of an investigation include the possibility of passing on findings to harbour authority employees, stakeholders or other organisations, e.g. Ports Group, Harbour Masters' body?	Y	internal and external dissemination
13.6	12.8.4	2.20 2.21	Does the investigation process link with the enforcement process?	Y	
13.7	13.2.2		Does the Harbour Authority understand their powers in relation to drink and drugs afloat?	Y	Via Railways and Transport Security Act 2003 (RATS). Police breathalyse.

Summary

I think it important overall to state that the operational team are a credit to the company and I strongly urge you to accept my recommendation regarding the assessment of staff requirement after your property investment gathers pace. The general theme of this audit report is that Hayle Harbour is effectively managed and compliant with the Port Marine Safety Code. My recommendations relating to the Duty Holder and the inclusion of the Harbour Master within that sphere are the first and most important recommendation within all of this report and I would be happy to assist advise if and when you want to implement any changes.

Capt R M J Parsons
Harbour Master &
Executive Commissioner
Newlyn Harbour

