

**Harbour Board****16 January 2014****Harbourmaster's Report****PH-02-14F****Harbour Master, Ports & Harbours Operations****Infrastructure Services Department****1.0 Summary**

- 1.1 The purpose of this report is to brief and inform the Members and Port Marine Safety Code (PMSC) Duty Holder of the professional concerns and current status as reported by the Harbourmaster.

2.0 Decision Required

That the Harbour Board resolve to consider the content of this report in its role as Duty Holder, and note that the necessary management and operational mechanisms are in place to fulfill that function.

3.0 Detail

- 3.1 Navigational Risk Assessment / SMS review. Work is continuing on improving the management in light of the reports from ABPMer reported to the Harbour Board's last meetings.

The timetable for introduction of the new manuals has slipped slightly and it is hoped that the new manuals will be in place by the end of January 2014.

- 3.2 Designated Person. Captain Trevor Auld, appointed as the designated person (Harbour Board Min. ref. 29/12), provides independent assurance directly to the duty holder that the marine safety management system, for which the duty holder is responsible, is working effectively. Captain Auld's report is attached as appendix 1.
In respect of his comment on Seatransport (Incidents and Accidents, page 2) I can advise that the incident has been raised with the Terminal and is an agenda item for the next Technical Working Group, 23rd January 2014.

3.3 Tug DOC audit. The revised manual is in preparation for implementation by the end of 2013.

NCN No	Reason	Progress / Action Taken
1	No contact list in the SMS	In new SMS, closed
2	Auditor suggested a formal form for the annual Master's Review rather than the current free-style format.	In new SMS, closed
3	Auditor suggested that improvements could be made to the current defect reporting system.	New system will be introduced in line with that recently developed within ferries. If computer systems will allow, a single system will be used.

4.0 Implications

Strategic

4.1 Delivery On Corporate Priorities – The actions in this report will contribute to the outcomes in the Council's Corporate Plan 2013/17 of:

“Helping build a healthy economy and strong communities”

“To be able to provide high-quality and cost-effective services to people and communities in Shetland, our organisation has to be run properly”

“We are determined that we will be run to the very highest standards”

4.2 Community /Stakeholder Issues – Community and stakeholders have a vested interest in ensuring that the port operation is managed and operated safely and in accordance with legislation and industry best practice.

4.3 Policy And/Or Delegated Authority – The Scheme of Administration and Delegations states that the role and authority of the Harbour Board is:

4.3.1 Strategic oversight and direction in all aspects of the operation of the Council's harbour undertaking in accordance with overall Council policy and the requirements of the Port Marine Safety Code; and

4.3.2 Act as Duty Holder required by the Port Marine Safety Code and ensure that the necessary management and operational mechanisms are in place to fulfill that function; and

4.3.3 To consider all development proposals and changes of service level within the harbour undertaking, including dues and charges, and make appropriate recommendations to the Council.

4.4 Risk Management – Failure to comply with the requirements of the PMSC could lead to regulatory action.

4.4 Equalities, Health And Human Rights – None.

4.5 Environmental – None.

Resources

4.6 Financial – There are no direct financial implications to this report.

4.7 Legal – None.

4.8 Human Resources – None.

4.9 Assets And Property – None.

5.0 Conclusion

5.1 This report is an update of current issues in the operation of Ports and Harbours within Shetland.

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03 January 2014

List of Appendices

Appendix 1 Designated Person Report – Captain Trevor Auld

Background documents:

None

Designated Person Report – 16 January 2014

This Designated Person report is provided as an independent view on Shetland Islands Council's (SIC) performance against the requirements and standards under the latest edition of the Port Marine Safety Code (PMSC). The report is submitted to the SIC Harbour Board, and copied to the Harbour Master for information.

Introduction

Since my report to the Harbour Board meeting of 28th November 2013 I have maintained a regular dialogue on marine matters with the SIC's Interim Harbour Master through an exchange of emails. I have also monitored both the SIC's website <http://www.shetland.gov.uk> and SIC's ports specific website <http://www.shetland.gov.uk/ports> for items relating to the reported actions, involvement and decisions taken by the Harbour Board and SIC's appointed officers. Prior to writing this report I had a telephone conversation with the SIC's Interim Harbour Master and Deputy Harbour Master in which we discussed, in accordance with an agreed questionnaire: monitoring measures, assessing measures and effectiveness of the current Marine Safety Management System.

Duty Holder – Specific Duties and Powers

The Harbour Board should be aware that Transport Scotland has recently published a guidance document entitled 'Transport Scotland Guidance – Harbour Directions Powers'.¹ Whilst Section 38 of the Zetland County Council Act 1974 enables the Shetland Islands Council to give General Directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation in a harbour area, the Transport Scotland Guidance states 'the new harbour directions powers may prove a useful additional tool to authorities in regulating the harbour or addressing specific issues which require an enforceable power rather than more informal means or in byelaws.'

Monitoring Measures

Technical Working Group – The minutes of the Technical Working Group (TWG) held on 21 November 2013 record the ongoing good practice of bringing together SIC personnel from different disciplines and port stakeholders to discuss a range of safety and operational issues of common interest.

Positive action points from the minutes include a review of the existing SIC procedure for reporting defects in aids to navigation and the drafting by BP of a suitable procedure to enable ships' crew, in the event of an emergency, to be evacuated from the oil terminal.

It is noted that the outstanding agenda item from previous TWG meetings, regarding clarification of the IMO's position with respect to Precautionary Areas, and the areas to be avoided in bad weather around the Shetland Islands' coast, has been resolved. The minutes record that the Harbour Master read a recommendation from IMO Resolution 572² which states that in the 'Precautionary Area' the port has

¹ <http://www.transportscotland.gov.uk/water/ports-harbours/harbour-directions-guidance>

² International Maritime Organisation Resolution A.572 [14] General Provisions on Ships' Routing.

no power to ask ships to leave, but in 'Areas to be Avoided' the port does have the power to ask vessels to leave.

Examination Panel – The Examination Panel has yet to meet to discuss a near miss involving the vessel 'Calamity Jane'.

Safety Sub-Committee - Ports – The last meeting of the Safety Sub-Committee – Ports was held on 9th October 2013. The date of the next meeting has not yet been advised.

Incidents and Accidents – No marine incident or accident reports have been submitted formally to the Harbour Master since 5th September 2013.

Although completed safely and without incident, the berthing of the vessel 'Seatransport' on the Sullom Voe oil terminal took place when measured wind strength was at the edge of existing operational weather limits. The circumstances surrounding the berthing are currently under review.

Audits – No internal or external audits of marine operations have taken place since the Det Norske Veritas (DNV) audit of 9th and 10th July 2013.

New Marine Safety Management System –

The following Marine Safety Management System high level documents are complete:

- Shetland Islands Council – Marine and Quality Policy
- Shetland Islands Council – Sullom Voe Marine Safety Management System
- Shetland Islands Council – Scalloway Harbour Marine Safety Management System

I am advised that, subject to final validation, the documents will be posted on the SIC's ports specific website <http://www.shetland.gov.uk/ports> before the Harbour Board meeting of 16th January 2014. The old and the new Marine Safety Management Systems will then be available to view on line for a period of approximately two to three weeks before the old Marine SMS is withdrawn.

Consultation – Active engagement with port and harbour stakeholders by members of the Harbour Board and its appointed officers continues to provide evidence of SIC's commitment to the importance of meaningful and ongoing consultation with local and national organisations. Specific examples being:

- The Harbour Master continues good lines of communication with attendance at a range of meetings as a stakeholder and Harbour Authority representative, these include:
 - Scalloway Development Plan – 15th November 13
 - Review of oil spill sensitivity maps – 18th November 13
 - Fish Auctions – future plans – 19th November 13
 - Tug Advisory Group – review of future towage requirements – 21st November 13
 - BPA seminar – new EU Ports Directive and Trans-European Transport Network (TEN-T) – 4th December 13.

- The public agenda for the Harbour Board meeting of 28th November 2013 and the Decision Note from the same meeting were posted on the website www.shetland.gov.uk in a timely manner

No marine circulars have been issued since 30 August 2013.

Notice to Mariners No 8/2013 was issued on 22nd November 2013 to inform mariners that Sullom Voe VTS would operate as an Information Service³ only from 0800 hours to 2000 hours on the 9th, 10th, 11th and 12th December 2013. At all other times the VTS operated as Traffic Organisation Service⁴.

Training – The three training matrices continue to be reviewed regularly and updated as training courses are completed and qualifications obtained or revalidated.

Three VTS Officers completed revalidation training in December 2013. Subject to course availability it is expected that all necessary VTS V/103 revalidation training will be completed by June 2014.

In accordance with good practice, a separate review is to be undertaken to redefine the 'essential' and 'desirable' qualifications and experience of the Small Ports Officers.

Assessing Measures

Key Performance Indicators (KPI):

- 1 Number of completed marine incident/accident reports for Sullom Voe and Scalloway Harbour reviewed by the Technical Working Group expressed as a percentage of all completed marine incident/accident reports.

All incidents and accidents have been reviewed in accordance with the applicable Marine Safety Management System procedure.

KPI = 100%

- 2 Number of hours in which Sullom Voe's Traffic Organisation Service (TOS) VTS functioned as a fully operational service expressed as a percentage of the total number of operational hours.

VTS functioned as a Traffic Organisation Service (TOS) VTS from 00:00 hours on 1 January 2013 to 00:00 hours on 19 December 2013 with the following breaks in service, at which time the VTS functioned as an Information Service (INS) VTS only: (see overleaf)

³ INS = A service to ensure that essential information becomes available in time for on-board navigational decision making MGN 238 (M+F) Vessel Traffic Services (VTS) and Port Information in the United Kingdom

⁴ TOS = A service to prevent the development of dangerous maritime traffic situations and to provide for the safe and efficient movement of vessel traffic within the VTS area MGN 238 (M+F) Vessel Traffic Services (VTS) and Port Information in the United Kingdom

12 hour break in service on 27th July 13.
12 hour break in service on 28th July 13
12 hour break in service on 9th December 13
12 hour break in service on 10th December 13
12 hour break in service on 11th December 13
12 hour break in service on 12th December 13

All breaks in service represent periods when the VTS officer on duty at Sullom Voe VTS, although qualified to hold a V/103 certificate, had been unable, because of course cancellations, to revalidate the certificate within the time limit established by the Maritime and Coastguard Agency (MCA) as the United Kingdom "Competent Authority for VTS".

- Total number of operational hours from 00:00 hours 1st January 2013 to 00:00 hours on 19th December 2013 = 8448
- Total number of hours within this period that VTS did not function as a TOS = 72
- Total number of hours within this period that VTS functioned as a TOS = 8376

KPI = 99.14%

3 Number of Marine Risk Assessments for Sullom Voe and Scalloway Harbour exceeding the review date as a percentage of the total number of marine risk assessments.

After further discussion with the Harbour Master and Deputy Harbour Master I remain satisfied that marine safety will not be compromised by a further extension of the risk assessment review dates to coincide with the revised implementation date of the new Marine Safety Management System.

KPI = 100%

4 Number of port marine employees with in date qualifications required for their job role, expressed as a percentage of the total number of employees undertaking port marine activities and requiring job specific qualifications.

The total number of employees undertaking port marine activities and requiring 'essential' job specific qualifications is 38.

VTS and Marine Officers:	14	(2 Marine Managers, 6 Pilots, 5 VTSOs and 1 relief VTSO)
Launch crews:	15	(5 Skippers and 10 Deckhands)
Scalloway/Small Ports:	9	(4 Small Ports Officers (SPOs) and 5 relief SPOs)

The total number of employees from this group with in-date 'essential' job specific qualifications is 36.

The two employees with out of date qualifications are:

- Two Pilots – A VTS V/103 revalidation course has been booked for one pilot in February 2014 and for the other pilot in June 2014.

KPI = 94.4%

5 **Availability of Aids to Navigation (in three classification bands) expressed as a percentage of total availability over the three year period 18 December 2010 to 18 December 2013**

KPI	IALA Category 1	Availability	100.00%	Target	99.8%
KPI	IALA Category 2*	Availability	98.41%	Target	99.0%
KPI	IALA Category 3	Availability	100.00%	Target	97.0%

*After addressing issues with bridge lights the availability of Category 2 Aids to Navigation has continued to rise but still remains below the availability criteria (target) laid down by the Northern Lighthouse Board.

Effectiveness of the Marine Safety Management Systems

The monitoring and assessing measures described above provide assurance that the ports and harbours of Sullom Voe and Scalloway Harbour are functioning safely and efficiently and in full accordance with good practice. However, although it is now only a matter of time before both Sullom Voe and Scalloway are using the new Marine Safety Management System, I can not give the Harbour Board an assurance about the effectiveness of the current Marine Safety Management System in ensuring compliance with the Port Marine Safety Code.

Captain Trevor Auld
Designated Person (PMSC)