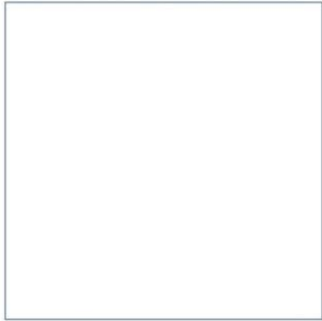
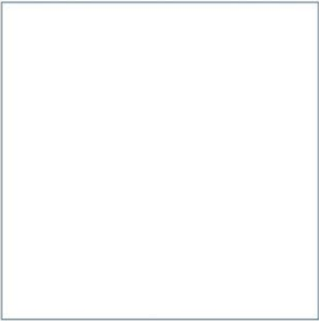
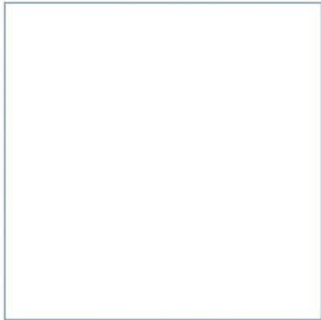


Lymington Harbour Commissioners

Port Marine Safety Code

Audit: Lymington Harbour 2023

May 2023



Innovative Thinking - Sustainable Solutions



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Port Marine Safety Code




Audit: Lymington Harbour 2023

May 2023



Document Information

Document History and Authorisation		
Title	Port Marine Safety Code	
	Audit: Lymington Harbour 2023	
Commissioned by	Lymington Harbour Commissioners	
Issue date	May 2023	
Document ref	R.4218	
Project no	R/4805/04	
Date	Version	Revision Details
25 April 2023	1	Issued for client review
02 May 2023	2	Issued for client use

Author (Designated Person)	Approved (Quality Manager)	Authorised (Project Director)
Monty Smedley	Capt. Trevor Auld	Gordon Osborn
		

Suggested Citation

ABPmer, (2023). Port Marine Safety Code, Audit: Lymington Harbour 2023, ABPmer Report No. R.4218. A report produced by ABPmer for Lymington Harbour Commissioners, May 2023.

Authors

M.J. Smedley

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ABPmer

Quayside Suite, Medina Chambers, Town Quay, Southampton, Hampshire SO14 2AQ
 T: +44 (0) 2380 711844 W: <http://www.abpmer.co.uk/>

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1 The Port Marine Safety Code

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 authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT, 2016).

In reading this audit report, the Commissioners should note the following extract from the Code:

"The Code does not contain any new legal obligations but includes (amongst other things) references to the main legal duties which already exist. Failure to comply is not an offence in itself. However, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties. Moreover, the organisation may suffer reputational damage if it has publicly committed to the Code's standards and then fails to meet them."

(DfT, 2016)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
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.	1.6-1.8, 1.10, 1.16-1.17
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.	1.11-1.12
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.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
9	Plan	Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan at least every 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

1.1 About the Harbour Authority

Lymington Harbour is a Trust Port constituted by Act of Parliament in 1951 under the 'Pier and Harbour Order (Lymington) Confirmation Act'. Subsequent Harbour Revision Orders (HROs) between 1976 to 2014 have amended the duties, powers and responsibilities of the Authority. Lymington Harbour Commissioners (LHC) is the Statutory Harbour Authority (SHA), a Competent Harbour Authority (CHA) in respect of Pilotage and a Local Lighthouse Authority (LLA) for aids to navigation. The harbour limits are shown in Figure 1.

Lymington Harbour is one of the UK's premier yachting centres, with easy access to the western Solent. The harbour is a popular destination for sailors, power boaters and cruisers throughout the season, with a wide range of berthing and facilities available from fully serviced marinas to walk-ashore berths at Town Quay and mooring buoys within the river. Lymington Harbour is also the home to Wightlink's vehicle ferry service operating between Lymington and Yarmouth on the Isle of Wight. This route provides a vital lifeline between the mainland and the western end of the Isle of Wight with *circa* 8,800 trips in 2022. Wightlink Limited, is a separate SHA for its terminal and berths in Lymington. There are a number of smaller business operators in the harbour, running passenger ferry and pleasure cruise trips. The harbour supports a small fleet of commercial fishing boats and angling charter boats as well as a number of companies that provide corporate entertainment, including RIB charter and yacht hire.



Figure 1. Harbour Limits

2 Purpose and Method

2.1 Audit scope

LHC has contracted ABPmer to provide Designated Person services for Lymington Harbour. Part of this service includes the provision of annual auditing to establish if the Harbour Authority is compliant with the requirements of the Port Marine Safety Code (PMSC). The scope of the audit includes a review of Harbour Authority performance against the standard laid out within the latest edition of the Code. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

2.2 Audit definitions and outcomes

The following definitions are used in the audit report:

Non-compliance: is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The Port Marine Safety Code requires organisations to confirm compliance with the requirements of the Code. Therefore, Port Marine Safety Code audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

Non-conformity: is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the port or harbour's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

Evidence: Non-compliances and Non-conformities are identified through factual evidence sampled during the audit.

2.2.1 Outcomes

The audit report uses the following outcomes:



Non-Compliance: a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



Observation: refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with local operating instructions. Whilst observations are defined as improvement opportunities, addressing them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



Satisfactory: a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

Not applicable: part of the Code that is not relevant to the Organisation being audited.

2.3 Audit date and criteria

The audit was carried out by remote audit on the 05 April 2022 and an onsite audit on the 14 April 2022. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), has been used as the benchmarking standard. The Appendix tables to this report contain the test questions and evidence, noting down compliance, non-compliance and observational remarks. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

2.4 Auditors

The following auditors conducted this audit.




Team Member	Initials	Company, Designation
Monty Smedley	MJS	ABPmer, Principal Maritime Consultant Designated Person (PMSC) Lymington Harbour Lead Auditor for Quality Management Systems (QMS ISO 9001)

2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Colin Freeman	CF	Operations Manager
John Morrow	JM	Duty Holder: Lymington Harbour Commissioner
Ryan Willegers	RW	Harbour Master and Chief Executive
Nick Tattersall	NT	Safety and Projects Officer

3 Audit Summary

Number	Key Measures Ten-point 'health check'			
1	Duty Holder	0	0	5
2	Designated Person	0	0	2
3	Legislation	0	0	6
4	Duties and Powers	0	3	42
5	Risk Assessment	0	0	5
6	MSMS	0	0	11
7	Review and Audit	0	0	4
8	Competence	0	0	3
9	Plan	0	1	3
10	Aids to Navigation	0	0	2
Total		0	4	83

The summary presented in the above table identifies that, for the ten-point health-check, Lyminster Harbour is found to be compliant with the requirements of the Port Marine Safety Code. ABPmer would like to compliment the Authority's staff on running a safe and efficient harbour, with a clear customer focused approach. The following points of best practice are noted:

- Evidence of LHC's onboarding process for Harbour Commissioners and training records for the Duty Holders sampled through anecdotal and documentary evidence is considered an area of best practice. New Commissioners are requested to attend the 'British Ports Association' (BPA) Duty Holder training, with Commissioners who undertake a second terms attending training again as a refresher.
- Incidents that do not have an associated Marine/Navigational Risk Assessment result in the creation of a risk assessment which is a best practice approach. Audit evidence identified new risk assessments have been added through this process.
- The Harbour's webpage states that: *"Lyminster Harbour is easy to navigate with a clearly defined fairway whether you arrive by day or night"*. The harbour approaches are described in the webpage 'navigation information'. This page also provides links to Local Notices to Mariners and a harbour navigation YouTube video which identifies the aids to navigation and navigational features. The proactive approach taken by LHC to providing mariner information to support its harbour community is noted as best practice.
- LHC has written to Marina Owners in Lyminster drawing their attention to the requirements of the Code. Both Lyminster Yacht Harbour (Haven) and Berthon Boat Company Marina have declared their compliance with the Code and are listed in the DfT's public declaration list. The involvement of the LHC in promoting Code compliance is an example of best practice.
- The General Directions came into force on 01 November 2014. The General Directions were formally reviewed by the Harbour Master and Operations Manager in April 2023, which concluded that the General Directions remain fit for purpose. The review includes consideration of verbal and written warnings and any prosecutions under breaches of the Directions. This review process is considered as an area of best practice.

The PMSC audit identified 4 observations relating to improvement opportunities for management consideration. The following points identify the more significant items, the detailed findings being presented in Appendix A. The following are noted:

- Not all safety management objectives in Table 1.4 of the Marine Safety Management Plan and Safety Management System (MSMP-SMS) are time-bound. This could be more clearly defined with the addition of time criteria for all objectives.
- Annex B of the MSMP-SMS showing the LHC's 'Pilotage and Local Port Service Policy' does not reference or include the Maritime and Coastguard Agency (MCA) Marine Guidance Note (MGN) 401 (MCA, 2022) which defines the criteria for running either Vessel Traffic (VTS) Services or Local Port Services (LPS).
- Consider inviting Commissioners on the Safety Committee (or other Commissioners) more frequently to Oil Spill/Emergency plan exercises, specifically around the role of liaison and media engagement, for which the Chair and Commissioners may respond. Alternatively, consider periodic 'workshops' in this area.
- Patrol and harbour staff training does not include the action to be taken in the event that an on-duty professional mariner is suspected of being under the influence of drink/drugs, with respect to the powers contained in the 'Railway and Transport Safety' (RATS) Act 2003. It is recommended that operational instructions are updated to include this requirement.

4 References

ABPmer, 2023. Baseline Document for Maintenance Dredging in Lymington Harbour. ABPmer Report No. R.3937, January 2023.

DfT, 2016. Port Marine Safety Code, Department for Transport (DfT), November 2016.

DfT, 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016, Department for Transport (DfT), February 2018.

ISO 9001: Quality Management Systems. International Organization for Standardization.

MCA, 2022. Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the United Kingdom. Marine Guidance Note: MGN 401 (M+F) Amendment 3. Maritime & Coastguard Agency, 22 March 2022.

4.1 Websites

<https://www.advertiserandtimes.co.uk/news/former-harbour-commissioner-hit-with-4-000-bill-after-speed-9283619>

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

<https://www.harboursystems.co.uk>

<https://www.lymingtonharbour.co.uk/annual-report>

<https://www.lymingtonharbour.co.uk/board-meeting-minutes>

<https://www.lymingtonharbour.co.uk/commercial-harbour-dues>

<https://www.lymingtonharbour.co.uk/content/S636985255559470239/Doc%201-%20T%20and%20C%20-%20Resident%20and%20LTV%20Mooring%20-%202023.pdf>

<https://www.lymingtonharbour.co.uk/content/S636985263198445919/2021%20Annual%20Report%20Web.pdf>

<https://www.lymingtonharbour.co.uk/content/S637812945518826335/Third%20Party%20Towage%20Operations%20in%20Lymington%20Harbour%20Form.pdf>

<https://www.lymingtonharbour.co.uk/diving>

<https://www.lymingtonharbour.co.uk/Environment>

<https://www.lymingtonharbour.co.uk/lymington-harbour-map>

<https://www.lymingtonharbour.co.uk/marine-safety-code>

<https://www.lymingtonharbour.co.uk/meeting-minutes>

<https://www.lymingtonharbour.co.uk/navigating-information>

<https://www.lymingtonharbour.co.uk/serving-commissioners>

<https://www.lymingtonharbour.co.uk/strategic-plan>

<https://www.lymingtonharbour.co.uk/towage-operations>

<https://www.lymingtonharbour.co.uk/working-committees>

<https://www.youtube.com/watch?v=zjBwLt9LtU0&t=9s>

5 Abbreviations/Acronyms

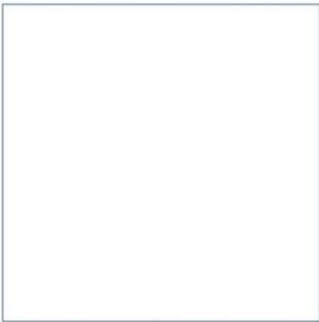
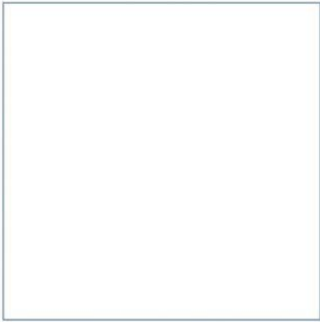
ALRS	Admiralty List of Radio Signals
AtoN	Aids to Navigation
BPA	British Ports Association
CERS	Consolidated European Reporting System
CHA	Competent Harbour Authority
Code	Port Marine Safety Code
Cont.	Continued (from previous page)
DfT	Department for Transport
eHarbours	Harbour software (https://www.harboursystems.co.uk)
FRA	Formal Risk Assessment
GLA	General Lighthouse Authorities
GtGP	Guide to Good Practice on Port Marine Operations
H&S	Health & Safety
HDPCA	Harbour, Docks and Piers Clauses Act
HRO	Harbour Revision Order
IMO	International Maritime Organisation
ISO	International Organization for Standardization
KPI	Key Performance Indicator
LHC	Lymington Harbour Commissioners
LLA	Local Lighthouse Authority
LPS	Local Port Service
M+F	Merchant Shipping and Fishing Vessels
MAIB	Marine Accident Investigation Branch
MCA	Maritime and Coastguard Agency
MDP	Maintenance Dredging Baseline
MGN	Marine Guidance Notes
MS	Microsoft
MSMP	Marine Safety Management Plan
MSMP-SMS	Marine Safety Management Plan and Safety Management System
MSMS	Marine Safety Management System
n/a	Not Applicable
NERC	Natural Environment and Rural Communities
NFDC	New Forest District Council
NtoM	Notices to Mariners
PEC	Pilotage Exemption Certificates
PMSC	Port Marine Safety Code
QMS	Quality Management System
RATS	Railway and Transport Safety
RIB	Rigid Inflatable Boat
SAC	Special Areas of Conservation
SHA	Statutory Harbour Authority
SI	International System of Units
SMS	Safety Management System

SOP	Safe Operating Procedure
SOSREP	Secretary of States Representative
SPA	Special Protection Areas
SSOP	Standard Safe Operating Procedures
UK	United Kingdom
UKHMA	UK Harbour Masters Association
UKHO	United Kingdom Hydrographic Office
VTS	Vessel Traffic Services

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

Appendix



Innovative Thinking - Sustainable Solutions

A Detailed Audit Findings

A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation’s Duty of Care for users of the harbour, port or facility stated?	Satisfactory – the Lymington Harbour Commissioners’ Marine Safety Management Plan and Safety Management System (MSMP-SMS) version 16 dated May 2022, states in the hydrographic policy that: <i>“A harbour authority has a duty to conserve the harbour so that it is fit for use as a port and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to utilise it safely. To this end it is Lymington Harbour Commissioners (LHC) Policy that the Harbour Authority shall conduct the provision and publication of Hydrographic surveys”.</i>		MJS_001	MJS
		Are local Acts and Orders identified?	Satisfactory – Annex E of the MSMP-SMS lists the Lymington Harbour Local Legislation, latest published version dated May 2022.		MJS_001	MJS
		Is the Harbour, Docks and Piers Clauses Act (HDPCA) 1847 incorporated into local Acts and Orders?	Satisfactory – footnote 3 to Annex E of the MSMP-SMS lists the Lymington Harbour Local Legislation, states that: <i>“Section 5 (2) of the 1951 Order incorporates the Harbours, Docks and Piers Clauses Act 1847, excluding: Sections 12,13,16 to 19, 25, 26, 84 to 87”.</i>		MJS_001 MJS_002	MJS
1.6 – 1.7	The Duty Holder	Has the organisation appointed and confirmed who the Duty Holder is?	Satisfactory – the MSMP-SMS, in Section 4.2, identifies the Duty Holder to be the Lymington Harbour Commissioners (LHC). The LHC Board, as Duty Holder, is also addressed in Section 3.3 ‘Commitment Statement’ and Annex A ‘LHC Port Marine Safety Code Policy Statement’. Board members are listed on the harbour webpage and are appointed under the Lymington Harbour Revision (Constitution) Order 2002. Currently 10 Commissioners (including the Harbour Master/Chief Executive), who attend six scheduled Boards meetings per year.		MJS_001 MJS_002 https://www.lymingtonharbour.co.uk/serving-commissioners	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.6 – 1.7	Cont. The Duty Holder	Cont. Has the organisation appointed and confirmed who the Duty Holder is?	Cont. There are five committees with attendees shown on the harbour's website: <ul style="list-style-type: none"> ▪ Finance; ▪ Moorings and Business Development; ▪ Personnel and pensions; ▪ Safety; and ▪ Environment. 		MJS_001 https://www.lymingtonharbour.co.uk/working-committees	MJS
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	Satisfactory – the MSMP-SMS, Section 4.2 titled 'Duty Holder – Lymington Harbour Commissioners' provides the role and responsibilities of the LHC Duty Holders. This contains a bullet point list that includes the requirements identified in the Section 1.8 of the Code.		MJS_001	MJS
1.10	The Duty Holder	Does the Duty Holder (Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	Satisfactory – at the time of Audit, all of the Commissioners had attended Duty Holder training. On entering their second term (after three-years) Commissioners will be asked to refresh their Duty Holder training. Commissioners are informed about harbour matters through officers' reports to the Board. November 2022 Board Meeting evidenced. Anecdotal information from Commissioned discussion identified: <ul style="list-style-type: none"> ▪ Commissioners, subject to their specific area of interest, will spend time visiting the harbour which may include afloat tour or a visit to operational areas. ▪ Commissioners may also take a trip on the Wightlink ferry bridge to observe working practices. ▪ Board meeting papers are produced in a timely manner with opportunity to allow clarifications with the Harbour Master should this be required. 		MJS_003 MJS_011 MJS_068 MJS_012 MJS_013 Anecdotal	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.10	Cont. The Duty Holder	Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	<p>Satisfactory – on appointment, Commissioners are provided with:</p> <ul style="list-style-type: none"> Notes for applicants are provided by the Authority to applicants (on application for a Commissioner’s role) evidence seen. New Commissioners received an orientation meeting at the harbour office, which may also include a tour of the harbour, including meeting and briefings on key staff. The Harbour Master provides a briefing including the Code, MSMP-SMS and Guide to Good Governance. Interviews are conducted face-to-face, with the Chair, a further Commissioner, a Local Councillor, and the Chair of Lymington Advisory Group on the interview panel. The new Commissioners are requested to attend the ‘British Ports Association’ (BPA) Duty Holder training. On entering their second term (after three-years) Commissioners will be asked to refresh their Duty Holder training. An Induction Record is maintained by the Harbour Master, commenced in April 2022 with sign-off of each onboarding section recorded. <p>Evidence of LHC’s training matrix listing Commissioner training evidenced. This is considered an area of best practice.</p>		MJS_003 MJS_068	MJS
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	<p>Satisfactory – Monty Smedley of ABPmer is the appointed Designated Person, the appointment was made by the Board, commencing on 01 November 2019. Designated Person contact details are provided on the harbour’s website.</p>		https://www.lymingtonharbour.co.uk/marine-safety-code	MJS
		Is the Designated Person’s role explained in the MSMS?	<p>Satisfactory – the MSMP-SMS, Section 4.4, explains the Designated Person’s role in Lymington Harbour.</p>		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMP-SMS, Section 4.3, defines the role of the ‘Harbour Master and Chief Executive’, with a bullet point list split into Chief Executive functions and Harbour Master functions. This is a clear and well laid out approach, which matches the requirements of the Section 1.13 to 1.5 of the Code.		MJS_001	MJS
		How is marine safety funded within the organisation?	Satisfactory – the Authority carries out regular funding reviews of Statutory and Commercial expenditure to arrive at appropriate tariffs and dues. This income is used to provide services, including marine safety. The Harbour Master/Chief Executive can approve financial spending in line with agreed budgets. Capital items are subject to Board level approval which may be as part of the budget process. The wave screen replacement which completed in 2022 is an example of a project that has been scoped, approved, planned and delivered. The Harbour Authority has also recently purchased an oil pollution containment boom with a deeper skirt for use in wave conditions prevalent in the harbour.		MJS_005 MJS_010 MJS_014	MJS
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	Satisfactory – the MSMP-SMS, Section 4.3, defines the role of the ‘Harbour Master and Chief Executive’ (as above).		MJS_001	MJS
		Does an officer with responsibilities for marine safety attend Board meetings?	Satisfactory – Board meetings are attended by the Harbour Master/Chief Executive, the Administration Officer, plus the Treasurer for accounts and budget approval. Minutes of the public section of Board meetings are provided on harbour website.		MJS_010 https://www.lymingtonharbour.co.uk/board-meeting-minutes	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	<p>Satisfactory – the MSMP-SMS, Section 4.1, provides an organisational chart (organogram). This defines the Organisations officers. Sections 4.5 to 4.6 defines the role of the:</p> <ul style="list-style-type: none"> ▪ Operations Manager in Section 4.5. ▪ Harbour Officers' role and duties in Section 4.6. ▪ The next version of the MSMP-SMS will also include the role of the 'Safety and Projects Officer' (draft version seen during the Audit). 		MJS_001	MJS

A.2 PMSC Section 2 – Key Measures Needed to Secure Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> MAIB digest / reports MCA health check trends 	Satisfactory – MAIB incident reports and digests are circulated. The MCA Health Check Trends was reported to the Authority and the Board via the Designated Person's quarterly update, evidence seen.		MJS_015	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	Satisfactory – Annex E of the MSMP-SMS lists the Lymington Harbour Local Legislation. There is a review of local legislation, including General Directions, held on an annual basis.		MJS_014	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	Satisfactory – Annex E of the MSMP-SMS lists the Lymington Harbour Local Legislation.		MJS_001	MJS
		Have the Harbour Authority's existing powers been reviewed?	Satisfactory – a list of consolidated Acts has been produced to enable a review of all local harbour legislation by marine lawyers. The output from LHC's legal advisor report has been tabled with the Board in May 2021 as agenda item 18.		MJS_006 MJS_007 MJS_009	MJS
		Is the organisation's jurisdiction mapped and clear?	Satisfactory – the Lymington Harbour Limit is shown on Admiralty Chart Number 2021 'England – South Coast, Harbours and Anchorages in the West Solent Area'.		MJS_008	MJS
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Have risks associated with marine operations been assessed and a means of controlling them deployed?	Satisfactory – the MSMP-SMS, Section 6 identified ranked hazard and the incident record database. Section 7 identifies the process for applying risk control measures. At the time of Audit, the Authority has 386 risk assessments. These are a combination of Marine/Navigational Risk Assessments and Health & Safety at Work Risk Assessments. The assessment process combines impacts on Life, Environment, Operations/Reputation and Infrastructure.		MJS_001 MJS_056 MJS_058	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of formal Risk Assessment	Cont. Have risks associated with marine operations been assessed and a means of controlling them deployed?	Cont. Standard Safe Operating Procedures (SSOP) Number 020 identifies the process for carrying out risk assessments. This includes criteria for likelihood and consequence descriptors. All assessments were in date at the time of audit. The listing includes the following assessments: <ul style="list-style-type: none"> ▪ 27 Sail Craft ▪ 28 Power Craft ▪ 24 Ferry (Wightlink) ▪ 23 Tender/Canoe ▪ 9 Regatta/Event ▪ 6 Swimmer ▪ 28 Charter/Small Ferry ▪ 35 Works Licence ▪ 67 Slipway/Grids/Pontoons ▪ 3 Navigation Aid Maintenance ▪ 20 Workshop ▪ 60 General Activity ▪ 6 Fire (Office/Workshop) ▪ 8 Navigation (General) ▪ 21 Navigation (Specific) ▪ 6 Work Experience ▪ 9 Town Quay (project specific) ▪ 6 Work Placement Incidents that do not have an associated Marine/Navigational Risk Assessment result in the creation of a risk assessment or the review an update of an existing assessment. An example of incident 103/21 evidenced, where a loose sign in the 21 October 21 storm damaged a boat cover. This is considered to be a best practice approach.		MJS_001 MJS_056 MJS_058	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	Satisfactory – the ‘Harbour Master and Chief Executive’ and the Operations Manager have attended ‘H&S Risk Assessment Training’. The ‘Safety and Projects Officer’ has attended Marine Risk Training in December 2022.		MJS_004 MJS_069	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.7 – 2.11	Cont. Use of formal Risk Assessment	Are stakeholders included in marine risk review/assessments?	<p>Satisfactory – the process of risk creation and review makes use of consultation from:</p> <ul style="list-style-type: none"> ▪ LHC Safety Committee recommendations. ▪ Internal four-monthly Safety Review Meetings, January 2023 meeting evidenced. ▪ Wightlink safety meeting recommendations. ▪ Harbour User Safety Meeting, at which incidents are reviewed and risk assessments considered. Last meeting 30 March 2023. 		MJS_012 MJS_013 MJS_058	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	<p>Satisfactory – the MSMP, Section 8.1.1 states: <i>“The Harbour Master and Harbour Operations Manager in consultation with employees and stakeholders are responsible for ensuring that all currently identified hazards and their associated risk control measures are reviewed over a 12 month period.”</i> The use of an annual (12 month) period is considered standard practice. Review process evidenced. The annual review requirements are also stated on the front of the Risk Assessment MS Excel workbook, showing the date of next review.</p>		MJS_001	MJS
		Is a system of Dynamic Risk Assessment used?	<p>Satisfactory – the process for conducting Dynamic Risk Assessment is contained in SSOP 020, Section 3.4</p>		MJS_056	MJS
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	<p>Satisfactory – the Lymington Harbour Commissioners’ Marine Safety Management Plan and Safety Management System (MSMP-SMS) version 16 dated May 2022 is the latest version. Annex A contains ‘The Port Marine Safety Code – LHC Policy Statement’. Policy is included in Annex B, with the following listed:</p> <ul style="list-style-type: none"> ▪ LHC Marine Safety Policy ▪ LHC Pilotage and Local Port Service Policy 		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.12-2.14	Cont. Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	Cont. <ul style="list-style-type: none"> ▪ LHC Hydrographic Policy ▪ LHC Training Policy ▪ LHC Wrecks Policy ▪ LHC Dredging Policy ▪ LHC Environmental Policy ▪ LHC Enforcement and Prosecution Policy ▪ Annex C contains the LHC Consultation Policy. <p>A set of Standard Safe Operating Procedures (SSOPs) are in place and reviewed on an annual basis. SSOPs are updated based on experience and operational use by harbour staff, for example, the operation of the barge has been reviewed in detail with operator feedback included in the update of SSOP 001 'Working Afloat'.</p>		MJS_001 MJS_070	MJS
2.15	MSMS standards and Key Performance Indicators (KPIs)	Does the MSMS detail KPIs and/or make a statement about performance in the organisation's annual report?	Satisfactory – LHC publishes an annual report. This document summarises several marine/safety related statistics that collectively provide KPIs: <ul style="list-style-type: none"> ▪ Visitor stays (calendar years) ▪ Commercial vessel movements (trips) ▪ Emergency planning and exercises ▪ Incidents, investigations and enforcements (the latter split into verbal warnings, written warnings and prosecutions). <p>The 2020-2025 Strategic Plan also provides safety and security objectives.</p>		MJS_018 https://www.lymingtonharbour.co.uk/annual-report https://www.lymingtonharbour.co.uk/strategic-plan	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety / conservancy matters?	Satisfactory – the MSMP-SMS, Section 7.3.1 identifies the Harbour Master as being responsible for the hydrographic survey programme. Section 7.3.4 states that: <i>"The Harbour Master is responsible for the provision of LHC Aids to Navigation in Lymington Harbour. The Operations Manager is responsible for their maintenance"</i> .		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.17	MSMS Consultation	Are forum/consultation meetings held?	<p>Satisfactory – the MSMP-SMS, Section 8.4, details Consultation and Communication. LHC are stated to: <i>“strive to maintain a consensus about safety navigation through stakeholder engagement”</i>. Active consultation is carried out by Notice to Mariner (NtoM), newsletter and Facebook. Meeting minutes samples include:</p> <ul style="list-style-type: none"> ▪ Harbour Advisory Group meetings, the last minuted meeting was held in May 2022. A further meeting for LHC to present the Harbour Development Plan in its final form was held on the 07 November 2022. ▪ Internal four-monthly Safety Review Meetings, last meeting in January 2023. ▪ Harbour User Safety Meeting, held annually, the last meeting was 30 March 2023. <p>Evidence of Harbour Group, Internal Quarterly Safety Review and River User Safety Meetings provided.</p>		<p>MJS_010 MJS_013 MJS_060</p> <p>https://www.lymingtonharbour.co.uk/meeting-minutes</p>	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p>Satisfactory – the MSMP-SMS, Section 9 details training. The LHC Training Matrix is maintained as a spreadsheet including mandatory training, against job role, qualifications held and when certification expires. A sample check for certification and qualifications for a sample of harbour staff was completed. Where certification is not held, a competency sign-off is provided. The Harbour Master also holds the UKHMA Harbour Master Certificate of Competence which is certified by the MCA.</p>		MJS_001 MJS_054	MJS
		Is there a policy on revalidation or maintenance of qualifications in place?	<p>Satisfactory – the MSMP-SMS, Annex B contains a training policy. This includes training expectations for marine personnel and non-marine personnel and the Duty Holder.</p>		MJS_001 MJS_004	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.18	Cont. Competence standards	Is there a list of the organisation's staff, training received, qualifications held and/or experience required for their role?	Satisfactory – documented in the training matrix and evidenced against certification held, or competence sign-off. Sample check carried out during the audit and all certificates checked matched the matrix record.		MJS_004	MJS
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> ▪ reporting ▪ recording of incidents ▪ investigation ▪ enforcement (if relevant). 	Satisfactory – the MSMP-SMS, Section 6.2 details the requirement for Incident Recording and the use of the incident database in eHarbours. SSOP 012 'Incident Reporting and Investigation' lays out the process. In total, there were 86 reported incidents in 2022. This is report and analysis in the January Safety Meeting. Evidence of incident reporting from submission and database entry provided as evidence, with incident 009/23 on the 15 April 2023. This was a dinghy boom contact with LHC RIB engine casing.		MJS_010 MJS_073	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	Satisfactory – SOP 012 'Incident Reporting and Investigation' identifies the process for contacting the Police for incidents involving death or crime.		MJS_028	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	Satisfactory – SSOP 012 'Incident Reporting and Investigation', Section 5 provides the procedure for publishing incident information. This states: <i>"The results of investigation will be promulgated to LHC employees as part of the Safety Committee reviews. Where appropriate the findings and 'lessons learned' will be promulgated more widely"</i> .		MJS_028	MJS
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	Satisfactory – the last MAIB reportable incident was 06 May 2021, which occurred during a sailing event when a dinghy impeded a Wightlink ferry, with the safety boat making contact with the ferry. This was reported to the MAIB as a collision incident. Evidence provided.		MJS_043 MJS_045	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	Satisfactory – the last external audit was conducted in April 2022. The last internal audit was conducted in November 2022.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	Satisfactory – the MSMP-SMS, Section 7.3.3 identifies the role of the Harbour Patrol in carrying out enforcement actions. On a four-monthly cycle, the LHC Safety Committee consider enforcement activity (serious/major incidents, trends and outcomes) to consider if the policy is being applied. An enforcement statistic summary is published in the Annual report listing verbal and written warnings, plus a summary of prosecutions. SSOP 10 documents the 'Enforcement Action Procedure'. LHC will take forward prosecutions where these are in the public interest; there have been two prosecutions during 2022 for speeding offences.		MJS_052 MJS_055 https://www.advertiserandtimes.co.uk/news/for-mer-harbour-commissioner-hit-with-4-000-bill-after-speed-9283619	MJS
		Is there a policy on enforcement and prosecution in place?	Satisfactory – the MSMP-SMS, Annex B contains an Enforcement and Prosecution Policy.		MJS_001	MJS
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	Satisfactory – the MSMP-SMS, Section 1 provides the Marine Safety Plan. Table 1.4 details the 'Safety Management Objective'. The plan is reviewed and published each year on the Authority's website, meeting the requirement to have published plan.		MJS_001	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	Satisfactory – delivery of objectives is reported in the Annual Report, the latest edition is for calendar year 2022 and published on the Authority's website.		https://www.lymingtonharbour.co.uk/content/S636985263198445919/2021%20Annual%20Report%20Web.pdf	MJS
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	Satisfactory – the MSMP-SMS, Section 1 provides the Marine Safety Plan, Table 1.4, constitutes the plan and objectives. Observation – not all objectives in Table 1.4 of the MSMP-SMS are time-bound. This could be more clearly defined with the addition of time criteria for all plan objectives.	Recommend – the addition of a timescale for all objectives (where these are not already identified).	MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users and service providers about safe navigation?	Satisfactory – see response to Audit Report Section 2.17 ‘Consultation’.		n/a	MJS
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	Satisfactory – LHC wrote to the MCA to confirm compliance with the Code on 15 October 2020 in a letter titled ‘Port Marine Safety Code – Statement of Compliance 2021-2024’. Lymington is listed on DfT’s public declaration list ‘UK port facilities confirming PMSC compliance up to 31 January 2022’.		MJS_032	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations with its jurisdiction comply with the requirements of the Code?	Satisfactory – LHC has written to Marina Owners drawing their attention to the requirements of the Code. Both Lymington Yacht Harbour (Haven) and Berthon Boat Company Marina have declared their compliance with the Code and are listed in the DfT public declaration list. This is an example of best practice.		https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list	MJS

A.3 PMSC Section 3 – General Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	Satisfactory – LHC maintains a harbour office, with a Local Port Service (LPS) operated seven days a week 08:00-20:00 hr in the summer and Monday to Saturday 08:00-16:00 hr in the winter. LHC LPS service is documented in the 'Pilotage and Local Port Service Policy'.		MJS_001	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty'?	Satisfactory – Clause 33 of the Harbours, Docks and Piers Clauses Act 1847 is incorporated by virtue of Section 5 of the 'Pier and Harbour Order (Lymington) Confirmation Act, 1951. This provides LHC with an Open Port Duty. The MSMP, Section 1.1 states that: "LHC's statutory powers are subject to what is called the 'open port duty'".		MJS_001	MJS
3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> ▪ Survey as regularly as necessary ▪ Place navigation marks in optimum positions ▪ Keep 'vigilant watch' for any sea bed changes ▪ Keep hydrographic records ▪ Ensure hydrographic information is published ▪ Update UKHO with chart information. 	Satisfactory – the MSMP-SMS, Section 7.3.1, provides information on Marine Conservancy for LHC. The LHC Marine Safety Policy includes a line item identifying a primary conservancy responsibility. This commitment is also included in the PMSC Policy Statement (Annex A of the LHC-MSMP). LHC also provides a separate Dredging Policy and Hydrographic Policy. Sampling of harbour records identified that: <ul style="list-style-type: none"> ▪ The last full river survey was conducted on 21 September 2021, evidence seen. ▪ The full survey was also the pre-dredge survey for the maintenance dredge of moorings. The post dredge was 11 October 2022. ▪ There is an in-date Marine Licence issued under the Marine and Coastal Access Act, for the 'disposal of dredged material and beneficial reuse (saltmarsh recharge) of material from Lymington Harbour'. The licence expires on 31 December 2024. ▪ Lymington Harbour has a Maintenance Dredging Protocol (MDP) for the harbour dredging, ABPmer R.3937, January 2023. 		MJS_019 MJS_020 MJS_021 MJS_022 MJS_023 MJS_035 MJS_039 MJS_052	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide information to UKHO?	Satisfactory – the survey contractor (Shoreline) automatically sends survey data to the UKHO as part of their contract with LHC.		MJS_037	MJS
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	Satisfactory – LHC does not have any powers to Licence Marine Works; but is a statutory consultee on planning and marine licensing applications.		MJS_001	MJS
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> ▪ Nature conservation Section 48A of Harbours Act 1964 ▪ Obligations for SPA, SACs under Habitat Regs. ▪ Compliance with Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 [E & W] 	Satisfactory – LHC has a Commissioner with a specific brief around the environment, including climate change. Since 2019 LHC has run an Environment Committee, terms of reference seen. LHC’s officers also have a good understanding of International, European and National nature conservation areas within the SHA’s jurisdictional boundary. This information is laid out in the MDP and the ports emergency/pollution response plan. Information is provided to the harbour community in the Harbour’s website under ‘Environment’. LHC use environmental consultants where additional expertise is required.		MJS_025 MJS_052 https://www.lymingtonharbour.co.uk/Environment	MJS
3.9	Civil Contingency Duty and Emergency Planning	Does the MSMS include reference to the Harbour Authority’s obligations as a Category 2 responder?	Satisfactory – the Emergency Plan, Version 14a, March 2022, has been updated with refreshed contact details. This document addresses Civil Contingency in Section 1.13.		MJS_024	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	Satisfactory – in terms of Emergency Planning, the Harbour Authority maintains the following plans: <ul style="list-style-type: none"> ▪ Lymington Harbour Oil Spill Contingency Plan in place (approved by the MCA, 09 July 2021, valid until 08 July 2026). ▪ Emergency Plan is in place (Version 14a, March 2022). There is a joint Oil Spill Contingency Plan, an approach agreed with the MCA, to recognise the close partnership of the two SHAs.		MJS_024 MJS_031	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 6.2.4, 6.5	Cont. Emergency Planning / Pollution control	Cont. Does the MSMS include emergency planning and oil pollution response?	Cont. Wightlink is responsible for co-ordinating the response to 'Wightlink' incidents', and Lymington Harbour Commission is responsible for co-ordinating the response to 'Non Wightlink' incidents.		MJS_024 MJS_031	MJS
		Does the port/harbour carry out emergency plan/oil spill response exercises?	<p>Satisfactory – Annual response return, as a joint Wightlink/LHC response, seen as evidence. LHC completed two exercises since the last audit:</p> <ul style="list-style-type: none"> ▪ Desk top Emergency Exercise conducted on the April 2023, considering a capsized yacht on a scrubbing berth with an unaccounted-for person, the Operations Manager and Harbour Master were not available to respond. ▪ Oil Pollution Exercise conducted on 22 March 2022, as a Tier 1 exercise, testing a Wightlink incident spill near to the old slipway. In addition, a deployment of equipment was tested. The exercise was led by Wightlink. Evidence of exercise and post-exercise notes seen, including a table top exercise on 25 October 2022. <p>Observation – considering inviting the Safety Committee (or other Commissioners) to Oil/Emergency plan exercises, specifically around the role of liaison and media engagement, for which the Chair and Commissioners may respond.</p>	<p>Recommend – a standing invitation to the Safety Committee (or other Commissioners) to Oil/Emergency plan exercises or periodic 'workshops' around the role of liaison and media engagement.</p>	MJS_036 MJS_071 MJS_072	MJS
3.10 – 3.11	Authority Powers review	Has the Harbour Authority reviewed its powers?	See response to this Audit Report Section A.2, Sub-sections 2.3-2.6.		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	Satisfactory – LHC has submitted a number of Harbour Revision Orders (HROs) including the latest HRO of 2014 to acquire powers of General Directions and amend the harbour's limits.		MJS_001 MJS_002	MJS

A.4 PMSC Section 4 – Specific Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	Satisfactory – the current Harbour Master was appointed in July 2006; an appointment letter was issued by LHC.		MJS_046	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	Satisfactory – LHC has the powers to issue Byelaws, under the 'Pier and Harbour Order (Lymington) Confirmation Act 1951, Section 61 'Byelaws'. None are currently issued.		MJS_001	MJS
		Date of last byelaw review?	Satisfactory – Byelaws are not issued. LHC previously had a set of Byelaws which were revoked by Section 25 of the 2014 HRO.		MJS_002	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master's powers of Direction shown in the MSMS, how is delegation identified?	Satisfactory – the MSMP, within the 'LHC Enforcement and Prosecution Policy' (Annex B) identifies that: <i>"In addition, the Harbour Master (or his deputies) is able to give Special Directions to vessels or persons within harbour limits for the purposes set out in The Lymington Harbour Revision Order 2014"</i> . In addition, the MSMP-SMS, Section 4.6 'Harbour Officers Duties' a bullet point item identifies that Harbour Officers may use powers of Special Direction to direct vessels to ensure safety of navigation.		MJS_001 MJS_002	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	Satisfactory – the 2014 HRO provides LHC with the power to issue General Directions, subject to a consultation process. The harbour has issued 'General Directions 2014' which came into force on 01 November 2014.		MJS_001 MJS_002 MJS_047	MJS
		When were General Directions last reviewed?	Satisfactory – the General Directions came into force on 01 November 2014. The General Directions were most recently formally reviewed by the Harbour Master and Operations Manager in April 2023, which concluded that the General Directions remain fit for purpose. The review includes consideration of verbal and written warnings and any prosecutions under breaches of the Directions. This review process is considered as an area of best practice.		MJS_006 MJS_047	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.9	Harbour Directions	Are Harbour Directions used and published?	Not applicable – Harbour directions are not used by LHC (as General Directions are available).	n/a	n/a	MJS
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	Satisfactory – ‘LHC Marine Safety Policy’ contained within the MSMP-SMS identifies that LHC will: “Manage dangerous vessels and dangerous substances in accordance with The Dangerous Goods in Harbour Areas Regulations 2016 and Dangerous Vessels Act 1985”.		MJS_001	MJS
		Is the role of the SOSREP acknowledged?	Satisfactory – the MSMP-SMS, Section 4.7 contains a section detailing the ‘Secretary of State’s Representative’ (SOSREP). Text confirms that Directions given by the Harbour Master with respect to management of marine accidents may be over-ridden by the SOSREP.		MJS_001	MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous substances?	Satisfactory – Annex A ‘LHC Marine Safety Policy’ identifies management of dangerous vessels and dangerous substances in accordance with The Dangerous Goods in Harbour Areas Regulations 2016 and Dangerous Vessels Act 1985.		MJS_001	MJS
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	Satisfactory – LHC operates a proportional Local Port Service (LPS), with a vessel traffic management service operated seven days a week 08:00-20:00 hr in the summer and Monday to Saturday 08:00-16:00 hr in the winter. Outside of these times, an on-call duty roster ensures there is always a member of management staff available. The Harbour is patrolled in the summer months by a dedicated harbour patrol service operating two Rigid Inflatable Boats (RIBs) and two harbour launches. In the winter, occasional patrols associated with harbour checks and maintenance works are conducted.		MJS_001	MJS
		Is vessel traffic monitoring information passed to the MCA by the quickest means?	Not applicable – there is no CERS reporting requirement for LHC.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP 8.4	Cont. Vessel Traffic Management	Has the need for VTS/LPS been reviewed recently?	Satisfactory – LHC operates a proportional LPS, this is documented in the MSMP-SMS, Annex B, LHC Policy 'Pilotage and Local Port Service Policy'. Observation – the latest MGN 401 (MCA, 2022) is not referenced in Annex B.	Recommend – review and include MGN 401 in Annex B, as part of the LPS policy.	MJS_001	MJS
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	Satisfactory – General Direction 3.6 provides for 'Navigating whilst under the influence of drink or drugs'. This is covered in enforcement training and declaration of understanding by Marine Staff who are Patrol Officers. Observation – patrol staff training does not include the action to be taken in the event that a professional mariner on duty is suspected of being under the influence of drink/drugs, with respect to the powers contained in the 'Railway and Transport Safety' (RATS) Act 2003.	Recommend – including within operational instructions the actions to take in the event that LHC's staff suspect a professional mariner is under the influence or drink/drugs whilst on duty and the requirements of the RATS Act 2003.	MJS_001 MJS_047	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	Satisfactory – the Authority is a CHA under the meaning of the Pilotage Act 1987. The CHA area is the same limits as the SHA area.		MJS_001	MJS
		Has the requirement for pilotage been reviewed?	Satisfactory – the MSMP-SMS, in Annex B has a 'LHC Pilotage and VTS Policy'. The policy states (with justification documented as a bullet point list) that: "Since 1987 LHC has assessed that there is not a requirement for a Pilotage service in Lymington Harbour". A risk assessment documents the conclusion not to offer a pilotage service.		MJS_001 MJS_048	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	Not applicable – there is no pilotage service.		n/a	MJS
		Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	Not applicable – there is no pilotage service.		n/a	MJS
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced in the MSMS?	Not applicable – there is no pilotage service.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the international regulations on the training and certification and operational procedures for pilots contained within International Maritime Organisation (IMO) Resolution A960?	Not applicable – there is no pilotage service.		n/a	MJS
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	Not applicable – there is no pilotage service.		n/a	MJS
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	Not applicable – there is no pilotage service.		n/a	MJS
		Are the requirements equivalent to those for an authorised pilot?	Not applicable – there is no pilotage service.		n/a	MJS
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	Satisfactory – the Harbour’s webpage states that: “Lymington Harbour is easy to navigate with a clearly defined fairway whether you arrive by day or night”. The approaches are described in the webpage ‘navigation information’. This page also provides links to Local Notices to Mariners and a harbour navigation YouTube video which identifies the aids to navigation and navigational features. This approach is noted as best practice. The proactive approach taken by LHC to providing mariner information to support its harbour community is also noted as best practice. The Admiralty List of Radio Signals (ALRS) entry for Lymington was checked and confirmed as correct.		https://www.lymingtonharbour.co.uk/lymington-harbour-map https://www.youtube.com/watch?v=zjBwLt9LtU0&t=9s	MJS
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	Satisfactory – the Authority provides harbour user information, primarily from the harbour website, but also with printed leaflets available from the harbour office.		https://www.lymingtonharbour.co.uk/navigating-information	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	<p>Satisfactory – the dues and tariffs are reviewed annually by the Finance Committee in November annually, with agreed budgets taken to the Board for approval. The Mooring Committee, on behalf of the Board, taking account business requirements. The process for considering and setting charges was discussed with background evidence seen. Charges are reviewed annually and approved by the Board. These are split into:</p> <ul style="list-style-type: none"> ▪ Commercial ▪ Mooring Charges ▪ Visitor Dues/Charges <p>Dues and charges are published on the Harbour’s website. The notice for commercial dues reads: <i>“Schedule of charges for commercial vessels pursuant to Sections 26 and 27 of the Harbours Act 1964 and the Lymington Harbour Revision Order 2014”</i>.</p>		<p>MJS_041</p> <p>https://www.lymingtonharbour.co.uk/commercial-harbour-dues</p>	MJS
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	<p>Satisfactory – the MSMP-SMS, Section 7.2 title ‘hardware risk controls’ provides information on Aids to Navigation (AtoN). This acknowledges LHC’s role as a Local Lighthouse Authority. LHC has had no incidents requiring the submission on the LARS database. LHC maintain spares of each type in the workshop and replace as soon as there is a reported outage. An AtoN Formal Risk Assessment has been conducted evidence sighted.</p>		<p>MJS_026</p> <p>MJS_027</p>	MJS
4.24	GLA returns	Are returns made to the GLA?	<p>Satisfactory – Trinity House carried out an audit of AtoN on 10 March 2023 and found that ‘all matters were in good order apart from the two red and white ferry transit marks which required repainting as the red paint has faded’.</p>		<p>MJS_026</p> <p>MJS_027</p>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.25-4.32	Wrecks, Abandoned or unseviceable vessels	Does the MSMS refer to powers for dealing with wrecks?	Satisfactory – the MSMP-SMS, Annex B provides a policy on Wrecks. The topic is also addressed within the Section 7.3.1 of the MSMP-SMS, under the heading of 'Marine Conservancy'. The MSMP states that: <i>"The harbour has no identified wrecks but should a new wreck occur, it will be marked and removed."</i> In the last year, the Authority has removed a trimaran hull which broke up on the saltmarsh and two abandoned vessels in the harbour (all removed and disposed of at LHC's expense).		MJS_001 MJS_051	MJS
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	Not applicable – there are no Pilot Launches located at the harbour.		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	Satisfactory – towage is detailed in the Standard Safe Operating Procedure (SSOP) Number 14, 'Towage', with the latest version published on 24 February 2022. Towage information for harbour users is published on the Authority's website. This identifies processes for planned third party towage operations in Lymington Harbour when the tow exceeds 22 m in length.		MJS_042 https://www.lymingtonharbour.co.uk/towage-operations	MJS
		Is there a process for approving towage providers?	Satisfactory – a towage permit process is in place. The procedure entered into force on 01 March 2022. Evidence of a completed towage authorisation request form seen.		MJS_049 https://www.lymingtonharbour.co.uk/content/S637812945518826335/Third%20Party%20Towage%20Operations%20in%20Lymington%20Harbour%20Form.pdf	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. GtGP - 10	Cont. Towage Operations	Are non-routine tows pre-approved / managed by the organisation?	Satisfactory – the towage Permit process requires that non-routine tows (for planned third party towage operations which exceed 22 m in length) submit a form and plan. This was evidenced with a planned tow by William Shipping, conducting a towage operation for Berthon, 28 March 2022.		MJS_049	MJS
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	Not applicable – the Harbour Authority does not have powers to licence tugs.		n/a	MJS
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	Satisfactory – LHC operate a Dive Permit system. The permit is available from the harbour's website. LHC maintains a list of Commercial Divers authorised as 'approved contractors' for diving in Lymington Harbour. Recent Diving Permit evidenced. The last diving request was dated 16 March 2023, evidence seen.		MJS_064 MJS_065 MJS_066 MJS_067 MJS_074 https://www.lymingtonharbour.co.uk/diving	MJS
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	Satisfactory – recreational diving is not permitted. The General Directions, 4.11 states: <i>"No person shall undertake any underwater or diving operations within the Harbour without a written permit to dive from the Harbour Master"</i> .		MJS_047	MJS
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	Satisfactory – the process for managing hot works is laid out in SSOP 018. This SSOP was introduced in April 2021. There have been no hot work permit requests.		MJS_050	MJS
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	Satisfactory – LHC does not provide bunkering facilities. The two privately owned and operated Marinas have licenced refuelling stations selling petrol and diesel. Marina bunkering facilities are subject to inspection and licence by Hampshire County Council Health and Safety in accordance with the Health and Safety at Work Act 1974, Petroleum (Regulation) Acts 1928 and 1936 and the Dangerous Substances Explosive Atmospheres Regulations 2002.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP – 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	Satisfactory – LHC owned and operated marine craft are inspected and maintained. Evidence of inspection and maintenance sighted. Commercial craft are regulated through the MCA or New Forest District Council (NFDC) as the local Council Authority. LHC does not have local powers to licence commercial craft. To qualify for a Commercial Fishing mooring with LHC, vessel owners operating an angling charter vessel are required to declare that they are certified under the MCA Small Commercial Vessel Code of Practice and are undertaking commercial fishing activities. This is a requirement under the terms and conditions which were last reviewed 09 January 2023.		MJS_041 MJS_063 https://www.lymingtonharbour.co.uk/content/S636985255559470239/Doc%201-%20T%20and%20C%20-%20Resident%20and%20LTV%20Mooring%20-%202023.pdf Observational, eHarbours records	MJS

Contact Us

ABPmer

Quayside Suite,

Medina Chambers

Town Quay, Southampton

SO14 2AQ

T +44 (0) 23 8071 1840

F +44 (0) 23 8071 1841

E enquiries@abpmer.co.uk

www.abpmer.co.uk

