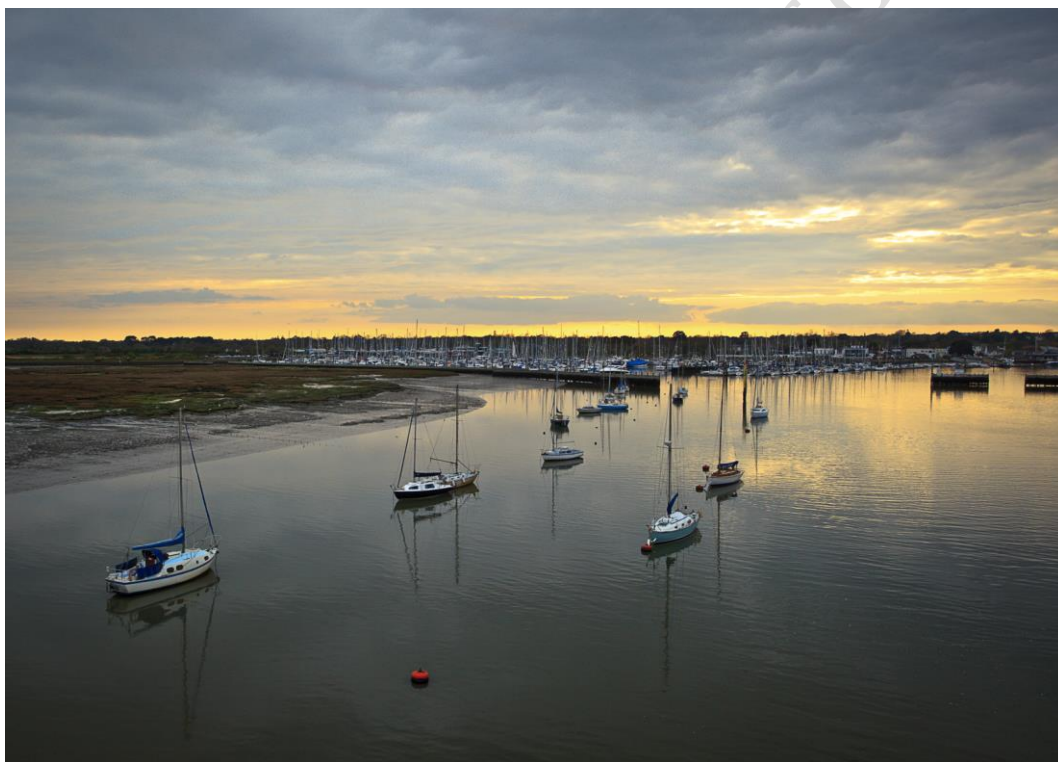


Marine Safety Management Plan & Safety Management System



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Document Control

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1.0 Marine Safety Management Plan

1.1 Introduction

Lymington Harbour Commission (LHC) is a Trust Port established by the 'Pier and Harbour Order (Lymington) Confirmation Act 1951 (as amended). LHC is a Statutory Harbour Authority and also a Competent Harbour Authority under the Pilotage Act, 1987. The Port Marine Safety Code (PMSC) was published in March 2000, and revised in 2009, 2012 and 2016, by the Department for Transport. It established an agreed national standard for port marine safety and a measure by which harbour authorities can be held accountable for their legal powers and duties and run their harbours safely.

The Marine Safety Management Plan commits LHC to undertaking the proper management and regulation of marine operations within the scope of its powers and authority, and in compliance with the PMSC. LHC has the primary responsibility of maintaining safe access to an 'Open Port', managing and supporting the safety of its users, the public and the environment.

This document sets out LHC's Marine Safety Management Plan and Safety Management System which together demonstrate compliance with the PMSC requirement for a safety plan.

1.2 Marine Policies

The LHC Board has developed marine policies in support of the management and regulation of marine operations that safeguards the harbour, its users, the public and the environment within harbour limits. The Lymington Harbour Advisory Committee are an integral part of the formal consultation process prior to implementing new harbour safety policies or regulations.

LHC's 'Marine Safety Policy' is based on a continuing, formal assessment and mitigation of risk in consultation with river users. LHC ensures compliance with this policy by actively communicating and educating using various media, and underpinned by clear rules and regulations.

LHC's 'Enforcement Policy' comprises the promulgation of regulation and guidance, training of staff, effective surveillance of harbour users, incident investigation and where appropriate formal warning and prosecution. This policy is based on education in the first instance and generally only reverts to prosecution for repeat offenders, for offences bringing significant risk of serious injury or loss of life or when users threaten or abuse our staff members.

Other policies have been developed in line with the PMSC and 'Guide to Good Practice on Port Marine Operations'. These include, but are not limited to: -

- Hydrography
- Pilotage & Local Port Service
- Removal & Marking of Wrecks
- The Environment

All policies are included in LHC's Safety Management System and are subject to review.

1.3 Safety Management System (SMS)

A comprehensive overview of LHC's structure, management and maintenance of the Safety Management System and LHC's compliance with the PMSC in support of this Plan is contained in sections 2 to 11 of this document (incorporating annexes A to E).

External audits of the Safety Management System and LHC's compliance with the PMSC are undertaken annually. The external audits are supplemented by regular internal health-checks.

1.4 Safety Management Objectives

No.	Service Provision / Activity	Objective
1	To ensure that LHC's empowering legislation is appropriate and fit for purpose.	Review legislation periodically and General Directions annually.
2	Provide a safe environment for all employees, stakeholders and harbour users.	To maintain an effective marine safety management system (SMS) based on formal risk assessment that is compliant with the PMSC. Consult with stakeholders on the annual SMS and risk assessment review.
3	Conservancy: Provide a safe and navigable harbour for all users.	To survey and maintain navigation channels at charted depth. Satisfy the GLA minimum availability requirements for aids to navigation. Issue LNTM's in a timely manner.
4	Provide management and/or support in any emergency within the harbour or close to its boundaries.	To maintain emergency response and counter pollution plans and the ability to implement them.
5	Carry out regular reviews of applicable safety control measures and ensure effectiveness to reduce incidents.	No serious incidents, major injuries or Tier 2 level pollution incidents as the result of a failure of LHC's SMS and /or of associated LHC safety control measures.
6	Keep the requirement for a pilotage service under review.	To reduce the risk of an incident during a commercial vessel movement, through risk assessment and consultation with operators of qualifying vessels, formally review the need for pilotage every 5 years.

No.	Service Provision / Activity	Objective
7	Provide safe and cost effective marine services for the benefit of all stakeholders and harbour users.	To reduce the occurrence of accidents or incidents within commercial marine services activities. Regularly review charges.
8	Provide suitably qualified management structure to the benefit of all stakeholders and harbour users.	To ensure that those with marine safety responsibilities are competent and trained to undertake their duties.
9	Seek to reduce the number of workplace accidents annually.	No incidents requiring staff to take time off work.

2.0 Safety Management System (SMS)

2.1 Introduction

Sections 2 to 11 and annexes A to E form the Safety Management System.

The Safety Management System is necessary to provide assurance to Government, local authorities, harbour users, stakeholders, conservation groups and the general public that Lymington Harbour is being managed in a safe manner. Through the Safety Management System, LHC, the Harbour Authority, will demonstrate in an open and accountable manner that they are managing the harbour safely.

Although Lymington Harbour has a good marine safety record, it is important that the systems and procedures for carrying out the business are monitored, reviewed and improved on a continuous basis. Prevention is better – and less expensive- than cure.

Employees have a collective and individual responsibility to carry out tasks in a safe manner and to bring to the attention of line managers any shortcomings in procedures and practices.

The key elements of the Safety Management System are:

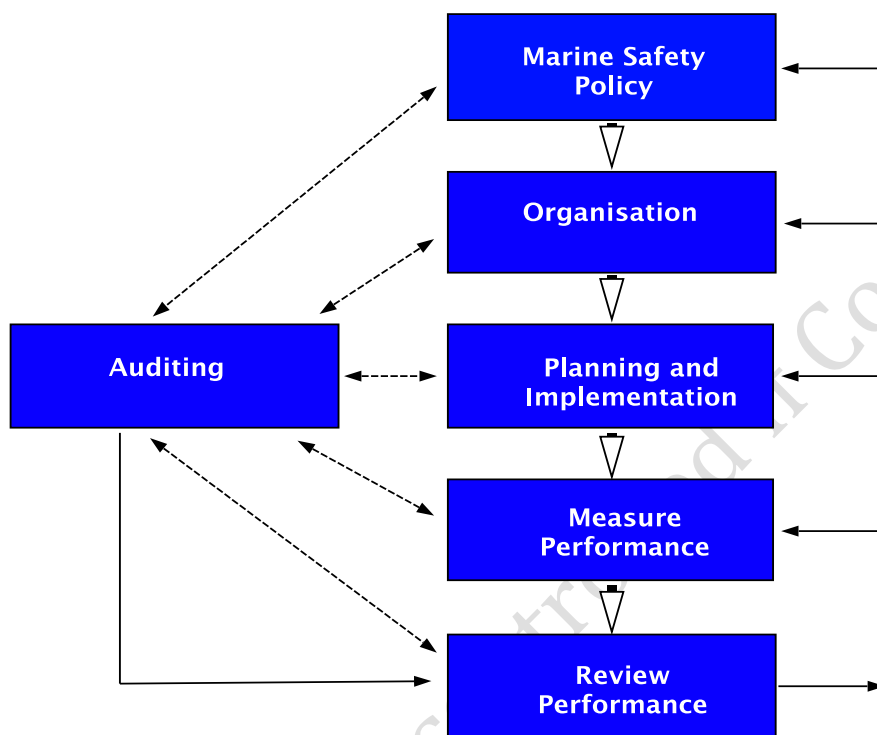
- Policy
- Organisation
- Planning and implementation
- Measuring and reviewing performance
- Recording and publishing performance
- Auditing performance

In summary the primary objective of LHC's Safety Management System is the implementation of the Marine Safety Policy and supporting Policies (Annex B)

This is achieved by:

- Providing the organisation, arrangements and resources to manage marine, workplace, and other activities safely;
- Recognising that people are LHC's most important asset; and
- Ensuring that due importance and priority are accorded to marine safety issues.

2.2 Overview of Safety Management System



2.3 Scope of Marine Safety Management System

The Harbour's Safety Management System applies to marine operations and activities within the LHC's area of jurisdiction and the Harbour of Lymington. The scope of the Safety Management System includes:

Navigation Activities

- Commercial shipping operations (IOW Ferry).
- Other commercial vessels operations (Dredging & piling plant / Cruise boats / Charter boats / Fishing).
- Marine leisure and sport activities.
- Marine services including towage of small craft (under 17m), mooring and line handling for small craft (under 17m), dredging, aids to navigation, other marine services and navigational activities.

Other Activities

- The activities of the public.
- Work place activities (occupational health and safety).

2.4 Safety Management System Components

Supporting the policies set out in Annexes A to C, the Safety Management System consists of a number of controlled documents each relating to a specialised area.

All documents can be accessed as digital documentation. Documents requiring frequent reference are also available in paper copy.

Documents include:

1. Lymington Marine Safety Management Plan & Safety Management System
2. Standard Safe Operating Procedures (SSOP)
3. Risk Assessments
4. Emergency Plan
5. Oil Pollution Response Plan (Shared with Wightlink Limited)
6. Waste Management Plan
7. Code of Practice for Organised Events
8. Aids to Navigation Maintenance
9. Mooring, Harbour Vessel & Infrastructure Maintenance
10. Hydrographic Surveys
11. Safety Meeting Reports
12. Safety Inspections and Reports
13. Regulation and Enforcement
14. Incident Recording & Accident Investigation
15. Complaints
16. Publication of Information (LNTM)
17. Staff Training
18. Audit and Review

Other relevant documentation includes:

19. Legislation & Existing Powers
20. Stakeholder Meetings
21. Job Descriptions
22. Exercises (Emergency / Oil Spill Response)
23. Safety Management System Correspondence

3.0 Policy

The Marine Safety Policy sets out LHC's intentions and commitment to safety. It also describes the organisational responsibilities and arrangements established to ensure that the Policy is implemented. The Policy, with its supporting marine policies contributes to operational objectives and states LHC's commitment to meet its legislative responsibilities. The fundamental objective of the Safety Management System is to demonstrate the consistent application of these Policies.

The Marine Safety Policy and supporting policies are attached at Annex B

3.1 Policy Development and Communication

The Marine Safety Policy and supporting Marine Policies were developed by the Harbour Master and LHC Safety Committee and are approved by the LHC Board. The Policies have been communicated to LHC staff, harbour users and are posted on the LHC website. In addition, LHC has developed a Consultation Policy, the application of which will further aid the development of the Safety Management System, the involvement of port users and stakeholders, and contribute to compliance with the Port Marine Safety Code. This policy, also approved by the Board, is attached at Annex C.

Copies of all Policies are freely available to all and there is a continuing process of briefing and updating information with regard to marine safety.

3.2 Purpose and Use of the Policies

The primary purpose of the LHC Marine Safety Policies is to provide an overall standard for marine and other operations in Lymington Harbour. They also provide a reference point for a variety of operational decisions including the selection of resources and the design and implementation of safe working practices.

3.3 Commitment Statement

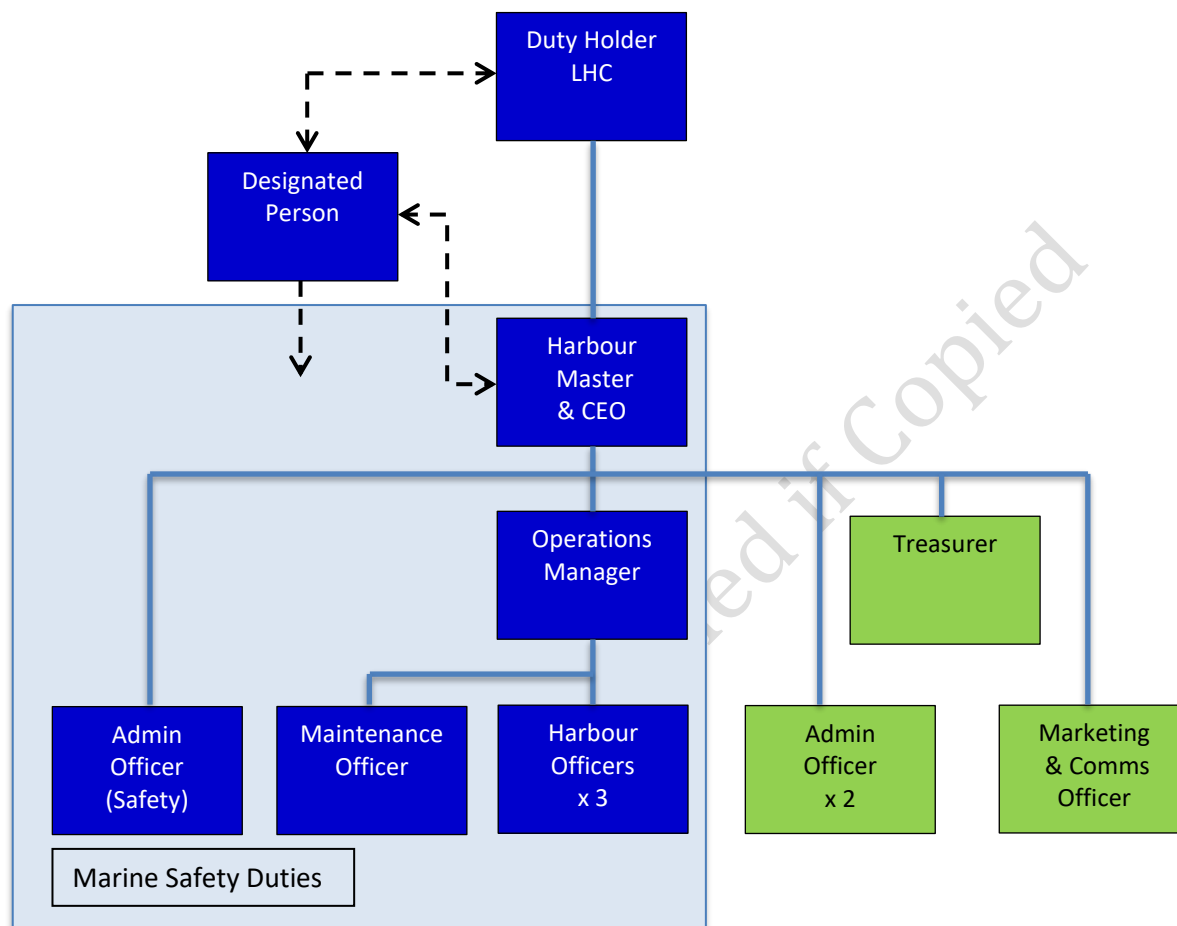
The LHC Board, as 'Duty Holder' and the body with ultimate responsibility, has committed itself to comply with the requirements of the Port Marine Safety Code. Furthermore, it is committed to ensuring that adequate resources are available to discharge its navigation safety obligations. A LHC Port Marine Safety Code Policy Statement is attached at Annex A.

3.4 Policy Review

A formal review of all Safety Policies is conducted annually as part of the review of the Safety Management System or as circumstances require.

4.0 Organisation, Duties and Responsibilities

4.1 Organisation Chart



4.2 Duty Holder – Lymington Harbour Commissioners

The Harbour Authority accepts responsibility for ensuring that its duties and powers are discharged to the standard set out in the Port Marine Safety Code.

The Port Marine Safety Code is directed at Harbour Authorities, and to the Commissioners who are members of the Board.

The Code requires each Harbour Authority to hold themselves accountable for the discharge of its duties and powers to the standard laid down. It requires Board members to accept responsibility for ensuring that the Authority discharges its duties and powers to that standard. Duties and powers relating to the safety of marine operations in any harbour have been entrusted to the Statutory Authority. Board members are collectively and individually accountable for the proper exercise of their authority's legal duties. It follows clearly that it – and they – are severally and collectively the 'Duty Holder' and they cannot assign or delegate their accountability for compliance with the Code.

In order to comply with the Code, the Duty Holder on behalf of the Harbour Authority must:

- Be aware of and review their existing powers based on local and national legislation. Seek additional powers if the existing powers are insufficient to meet the obligation to provide safe navigation;
- Comply with the duties and powers under existing legislation, as appropriate;
- Ensure all risks are formally assessed and as low as reasonably practical in accordance with good practice;
- Publish a Marine Safety Management Plan and operate an effective Safety Management System which uses formal risk assessment;
- Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for safety of navigation;
- Monitor, review and audit the Safety Management System on a regular basis- an independent Designated Person has a key role in providing assurance to the Duty Holder;
- Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan;
- Comply with the directions from the General Lighthouse Authorities and supply information and returns as required.
- Sign the MCA required Port Marine Safety Code compliancy statement (every three years).

4.3 Harbour Master & Chief Executive

The Lymington Harbour Authority combines the posts of 'Chief Executive' and 'Harbour Master'. The Harbour Master & Chief Executive is accountable to the Chairman of the Board of Lymington Harbour Commissioners. He is appointed by the LHC Board to discharge the statutory role of Harbour Master in accordance with the Port Marine Safety Code (The Duty Holder – s 1.9). He or she is responsible for delivering safety policy and is the Safety Officer for the Harbour. The Harbour Master & Chief Executive duties include:

'Chief Executive' Functions

- The operational and financial control of the Authority's function as Clerk and collector of Harbour dues. Control the Harbour budget.
- The implementation of all statutory duties, subject to the control and general management of the Commissioners undertaking.
- In conjunction with other officers, the day-to-day management of the undertaking including development and planning.
- The approval of trade contracts.
- The management of public relations and advertising.

‘Harbour Master’ Functions

- Manage the Safety Management System.
- Monitor all matters related to safety.
- Enforce all Statutory Acts, Harbour Revision Orders and the Harbour General Directions with respect to the safe navigation of marine traffic.
- Ensure adequate resources and support is available. Where they are lacking, bring to the attention of the Designated Person and the Safety Committee. Subsequently identify areas where extra resources are required and bid for funding.
- Administer measures to review procedures and systems, with the aim of continuously improving overall performance of the existing systems.
- The recording of and proportionate investigation of incidents/accidents;
- Co-ordinate four monthly meetings of the LHC Safety Committee and annual meetings of the River Users Safety Group. Produce safety reports for those meetings including accident trend analysis.
- Report on safety performance at Board meetings.
- Carry out reviews of the Safety Management System as specified within the parameters laid down in the Port Marine Safety Code.
- Ensure that all staff are trained in accordance with the safety training and familiarisation procedures, using accredited competence standards where appropriate.
- Ensure all Marine Safety Management documentation and certification is controlled, up-dated and distributed.
- Ensure the maintenance and proper marking of the navigation channels.
- Programme hydrographic surveys and dredging in consultation with the Operations Manager.
- Ensure the effective maintenance, repair and replacement of navigational aids in consultation with the Operations Manager.
- Undertake periodic review of the requirement for Pilotage or VTS within the Harbour.

4.4 Designated Person

LHC require a practical, pragmatic, and cost effective Designated Person in order to provide independent assurance directly to the Duty Holder.

In meeting this obligation under the Port Marine Safety Code, the Board has appointed an independent ‘Designated Person’, who maintains a right of direct access to the Board.

The main role of the ‘Designated Person’ is to:

- Determine through assessment and audit that LHC has an effective and appropriate Safety Management System.

- Provide the LHC Board with independent and professional advice regarding LHC's overall compliance with the requirements of the Port Marine Safety Code.

Other responsibilities include:

- Monitoring the thoroughness of the risk assessment process and the validity of the assessment conclusions;
- Monitoring the thoroughness of the incident investigation process and the validity of the investigation conclusions;
- Monitoring the application of lessons learnt from individual and industry experience and incident investigation;
- Assessing the validity and effectiveness of indicators used to measure performance against the requirements and standards in the Code; and
- Assessing the validity and effectiveness of the consultation process used to involve all appropriate stakeholders.

4.5 Operations Manager

The Operations Manager is responsible to the Harbour Master for the development and implementation of appropriate procedures and guidelines to contribute towards the delivery of the Safety Management System and other supporting policies within LHC's area of jurisdiction. In all cases, relevant staff should be fully involved and be able to contribute to such development.

In particular, within this overall remit, he or she has the following responsibilities:

- Deputise for the Harbour Master;
- Enforce all Statutory Acts, Harbour Revision Orders and the Harbour General Directions with respect to the safe navigation of marine traffic.
- Identify and propose solutions to any hazard to safe navigation and safety in the work place;
- The recording of and proportionate investigation of incidents/accidents;
- Ensure appropriate training of assigned personnel;
- The deployment of assigned personnel;
- Monitor safety and develop Standard Safe Operating Procedures in consultation with relevant staff;
- Programme and manage dredging contracts (in consultation with the Harbour Master);
- Programme and manage hydrographic surveys (in consultation with the Harbour Master);
- Establish and maintain tidal measuring gauges;
- Programme and manage the effective inspection, maintenance, repair and replacement of aids to navigation;

- Manage the planned hull maintenance and repair of harbour vessels and associated equipment;
- Programme and manage the effective inspection, maintenance, repair and replacement of berth and mooring infrastructure;
- Manage the inspection, maintenance and replacement of all workshop equipment;
- Ensure that inspections are carried out on all lifting plant, lifting tackle and other certificated equipment and maintain the appropriate records;
- Supervise the allocation, recording, control and licencing of the moorings.

4.6 Harbour Officers & Maintenance Officer

The Senior Harbour Officer, Harbour Officer and Maintenance Officer¹ are responsible to the Harbour Operations Manager for the implementation of marine safety measures in accordance with policy and standard safe operating procedures. In particular they are responsible for:

- Contributing towards maintaining overall marine safety awareness;
- Participation in the Safety Committee;
- Undertaking Harbour Patrols;
- Enforcing General Directions with respect to the safe navigation of marine traffic;
- Directing vessels (Special Directions) to ensure safety of navigation;
- Identifying and proposing solutions to any hazard to safe navigation and safety in the work place;
- The recording of and reporting of incidents/accidents;
- Participation in Oil Spill Response & Emergency Response (including exercises);
- The proper maintenance of aids to navigation;
- Undertaking safety and maintenance inspections in accordance with published schedules;
- Undertaking maintenance of vessels, machinery and equipment in accordance with published schedules. Where relevant arranging for external maintenance to be conducted;

In addition, the Senior Harbour Officer deputises for the Harbour Operations Manager.

4.7 Secretary of State's Representative

Should a significant event occur it is possible that the Secretary of State's Representative (SOSRep) may oversee the response to a marine accident. The SOSRep is empowered to make crucial and often time-critical decisions, without delay

¹ During the winter roster period the Maintenance Officer and Harbour Officer have the same duties. During the summer months the maintenance Officer reverts to dedicated maintenance duties.

and without recourse to higher authority, where such decisions are in the overriding UK public interest.

Directions given by the Harbour Master with respect to the management of a marine accident may be over-ridden by the Secretary of State, acting in the overriding interests of the UK and its environment. This power is likely to be exercised through SOSRep, having assumed powers of intervention relating to the salvage of the casualty vessel.

In essence, the Harbour Master may give directions prohibiting the entry into, or requiring the removal from, the harbour of any vessel if, in his opinion, the condition of that vessel, or the nature or condition of anything it contains, is such that its presence in the harbour might involve a grave and imminent danger to the safety of persons or property or risk that the vessel may, by sinking or foundering in the harbour, prevent or seriously prejudice the use of the harbour by other vessels. The SOSRep may determine that in the national interest access should be allowed to the vessel and override the Harbour Master.

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5.0 Implementation

5.1 Marine Safety Objectives

In association with its duties and responsibilities LHC annually reviews its safety objectives. In general, these objectives seek to:

- Seek continuous improvement in safety management.
- Reduce risks to as low as is reasonably practicable.
- Ensure all reasonably practicable steps are taken to identify the hazards and minimise associated risks arising from operational activities in Lymington Harbour.
- Ensure conformance with LHC's navigation safety and marine policies, associated operating controls and applicable port and marine legislation and non-statutory obligations.
- Periodically review data gathered from audits, inspections, incidents and any concerns raised to determine where improvements and changes need to be made.
- Implement employee competence training and Safety Management System awareness programmes.
- Involve employees in the development and improvement of the Safety Management System.
- Facilitate Harbour user involvement in the maintenance of the Safety Management System and the overall improvement in the provision of marine safety.
- Communicate LHC's on-going efforts and achievements in facilitating marine safety in the Harbour to all stakeholders.
- Review the effectiveness of and continually improve the Safety Management System.

6.0 Safety Management System Database

6.1 Ranked Hazard Record

A comprehensive list of ranked hazards is produced as part of the Risk Assessment process. This ranking structure will change with time as the hazards and risk controls continue to be reviewed, reassessed and recorded.

The archive also includes an audit record, which documents the outcome of the scheduled proactive hazard review process, any incident review, and the addition of any new risk and its associated assessment.

The ranked hazard record is produced by the Administration Officer (Safety), reviewed by the Operations Manager and approved by the Harbour Master.

6.2 Incident Record Database

The Incident database holds the details of all reported incidents and other occurrences having significance to the maintenance of marine, public and occupational safety. Marine safety related incidents are categorised by incident type and location for trend analysis. The inputs are provided by Harbour Officers and the Administration Officer (Safety).

The day-to-day administration of the Incident database is the responsibility of the Administration Officer (Safety) who will:

- Maintain, administer and interpret the Incident database to ensure the effective recording, availability and archiving of marine incident information;
- Construct and present incident information reports as required in an effective and appropriate format, such that the overall marine safety (including navigational safety) performance of the Harbour may be reviewed and assessed.

Once a record has been initiated, additional information is included in respect of the outcome of any follow up investigation including the outcome of any initial regulatory investigation by the Harbour Master, and subsequently details of any follow-up disciplinary action and/or prosecution. The Harbour Master's findings and recommendations (if any) of his navigational safety investigation are also recorded in respect of the Incidents impact on the Safety Management System, including a review of the hazards and associated risk control measures.

Each record is reviewed by the Harbour Master and/or Operations Manager to ensure that appropriate and proportionate investigation and follow up has taken place. Incident reports can only be closed out when no further follow up action is required.

7.0 Risk Control Measures

The generic risk control measures employed by LHC can be categorised as follows:

7.1 Documentary Risk Controls

- Regulatory Framework – Includes the Lymington Harbour Acts, HRO's & Directions.
- The provision and promulgation of accurate hydrographic survey charts, tidal and other navigational information, navigation warnings and weather advice.
- Operations manuals and guidelines.
- Process or task specific operating procedures.
- Notices to Mariners in addition to general navigational and safety guidance and advice.
- Formalised training and assessment.

7.2 Hardware Risk Controls

- VHF Communication- Marine radio providing port communications for LHC patrols on private channel and all Harbour Users on VHF Channel 66.
- Tide Gauges – located at strategic locations around the harbour.
- Aids to Navigation – Buoys, marks and lights etc. All maintained by LHC as the Local Lighthouse Authority. All third party aids are maintained by owners unless otherwise agreed.
- Moorings located throughout the harbour. All LHC owned moorings are maintained by LHC with their locations kept under review. A limited number of third party moorings are authorised under licence to be located over LHC seabed. In these cases there is a requirement for the licence holder to maintain them.

7.3 Operational Risk Controls

7.3.1 Marine Conservancy

The Harbour Master has established an effective hydrographic survey programme for Lymington Harbour to establish and confirm the depths of berths, moorings, channels and fairways. A system is in place to inform port users of any shoaling or obstructions identified during survey work. The harbour has no identified wrecks but should a new wreck occur, it will be marked and removed. A programme of regular dredging is in place to maintain published depths. Tide gauges are maintained at strategic locations around the harbour to provide mariners with real time observations for safety of navigation. The provision of hydrographic information is conducted in accordance with the Code of Practice developed by the United Kingdom Hydrographic Office and the United Kingdom Harbour Masters Association.

7.3.2 Pilotage

LHC is a Competent Harbour Authority (CHA) within the meaning of Pilotage Act 1987. Under sections 2(1) and 2(2) of the Act, CHAs are required to keep under consideration:

- Whether any and, and if so, what pilotage services need to be provided to secure the safety of ships navigating in or in the approaches to its harbour; and
- Whether, in the interests of safety, pilotage should be compulsory for ships navigating in any part of that harbour or its approaches. If so, for which ships under which circumstances and what pilotage services need to be provided for those ships.

Since 1987, LHC has assessed that there is not a requirement for a Pilotage service in Lymington Harbour. The most recent review was undertaken in April 2020. The Safety Committee considered the findings of the review. Their recommendation that there continued to be no requirement for a Pilotage service, was adopted by the Board on the 18th May 2020. The LHC Pilotage and Vessel Traffic Service Policy sets out the background to this decision and a commitment to keep under review.

7.3.3 Harbour Patrol

A harbour patrol is maintained in Lymington Harbour with supporting administrative and regulatory functions to assist in the effective regulation and enforcement of marine safety policy.

7.3.4 Marine Services

The Harbour Master is responsible for the provision of LHC Aids to Navigation in Lymington Harbour. The Operations Manager is responsible for their maintenance.

Maintenance of third party aids to navigation are the responsibility of third parties unless otherwise agreed. However, LHC monitors the reliability and availability of all such aids to navigation as the Local Lighthouse Authority.

7.3.5 Emergency Preparedness and Response

LHC has established emergency response plans and procedures to address specific marine and non marine emergency incidents. Training exercises are conducted on an annual basis to familiarise and update staff on these emergency procedures and to exercise individual response actions. Appropriate staff training and emergency exercise records are maintained.

7.3.6 Environmental Management

LHC maintains effective procedures and control measures designed to ensure that the potential impact on the environment is fully considered when planning or approving commercial and recreational activities in the Harbour. Reference is made to the LHC Environmental Policy Statement (Annex B)

7.3.7 Vessel Compliancy

The Port Marine Safety Code requires LHC to manage marine operations and regulate navigation within the harbour so as to reduce the risk of marine accidents and incidents to a level where the risks are as low as reasonably practicable. There are many component parts to this process, including the risk assessment process itself, which identifies active control measures such as the provision of harbour patrols, aids to navigation and up to date hydrographic information.

An important part of this system is to ensure that vessels navigating in the port are maintained to appropriate standards, operated in a competent manner commensurate with the relevant local and national legislation. These measures include:

- MCA certification and recertification of Wightlink's (IOW Ferry Operator) ISM compliant Safety Management System.
- MCA or Local Licencing Authority (New Forest District Council) certification of small vessels engaged in commercial use for sport or pleasure in accordance with the applicable codes of practice.
- Harbour patrol monitoring of Wightlink ferry movements.
- Harbour patrol monitoring of leisure and small commercial vessel movements.
- River user safety meetings.

The measures adopted will be subject to regular review and revision in the light of experience.

7.3.8 Marina Compliance

In November 2016 the PMSC was updated and now incorporates a recommendation that organisations or facilities which are not a Statutory Harbour Authority such as marine berths or terminals, seek a proportionate compliance through the adoption of a formal risk assessment process and the adoption of a marine safety management system which complies with the Code or any similar alternative applicable to their sector. In Lymington, the privately owned Berthon and Lymington Yacht Haven marinas fall into this category.

LHC have written to them to bring the updated guidance to their attention and to encourage them to seek proportionate compliance. Both Marinas have confirmed they have a safety management system based on formal risk assessment which complies with the Code or any similar alternative applicable to their sector.

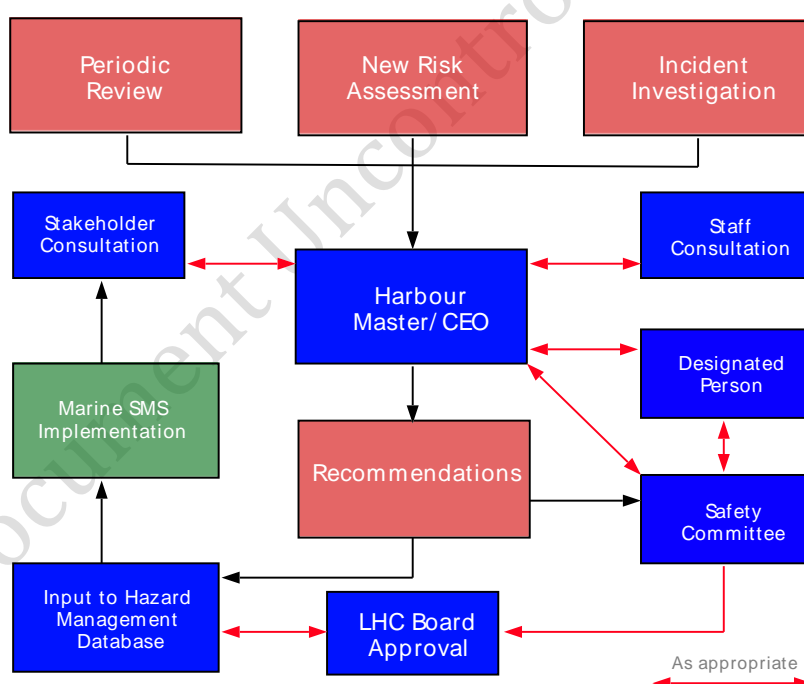
8.0 System Operations and Controls

8.1 Safety Management System Review Process

The identification and assessment of navigational and other hazards is central to the effective maintenance of the Safety Management System. LHC uses a management system as the basis for its continuing review of hazards and their preventative control measures. In reviewing identified hazards and risk control measures LHC management will involve LHC staff and practising harbour users as appropriate. It may also, on occasions, involve external specialist consultants. The review of hazards and control measures are prompted by three circumstances:

- Planned, periodic, formal review of established hazards and risk controls;
- Review of hazards and associated risk controls following an incident; and
- The identification and assessment of any potential hazards arising from changes to circumstances including the introduction of a new activity and/or marine operation.

The process used to implement, modify or develop the Safety Management System is shown below.



8.1.1 Annual Reviews - Proactive

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. All risk control measures have an 'Owner'. The 'Owner' is responsible for ensuring the review and/or implementation of the risk control measures when and to the extent documented in the risk assessment control register.

8.1.2 Post Incident Reviews - Reactive

Following a navigational or other incident the Harbour Master or Harbour Operations Manager will undertake an initial assessment. This will establish whether there has been a failure to comply with LHC regulations, or internal procedures, and whether further investigation or regulatory action is warranted. The Harbour Master or Harbour Operations Manager will also consider the circumstances of the incident from an on-going safety management perspective and establish if there is a need to review the relevant hazard and its associated risk control measures. This review may involve appropriate staff and practicing harbour users.

As a routine part of all scheduled safety review meetings (four per year), a 'health check' trend analysis will be undertaken to identify if there are areas of concern that merit closer attention.

8.1.3 New Risk Assessments

Whenever circumstances change to introduce activities into the Harbour which are outside the existing scope of the Safety Management System, the Harbour Master or the Operations Manager will, in collaboration with the relevant stakeholders, undertake a risk assessment of the intended operation.

8.2 Document Control

All documents within the Safety Management System are reviewed by the Harbour Master, Harbour Operations Manager and Administration Officer (Safety) and approved as appropriate by the Harbour Master or Harbour Safety Committee. On approval it shall be ensured that:

- Obsolete documents are archived.
- New documents will show a review date and review number.
- Amendments will be issued electronically as a revised complete controlled document. Any printed copies are not controlled documents. This is to avoid unnecessary paperwork.

8.3 Manuals, Procedures and Operational Guidance

The cornerstones of LHC's Safety Management System are the knowledge, skills and competence of individuals within the system, underpinned by appropriate training.

Operating controls in the form of manuals, standard operating procedures and/or guidance notes reinforce this and describe the activities to be carried out for each operational process or task, including any precautionary measures that need to be observed.

8.4 Consultation and Communication

LHC strive to maintain a consensus about safe navigation through stakeholder engagement and feedback from LHC staff and other Harbour users provides a vital Safety Management System component. All are actively encouraged to be involved in the management of marine safety. Examples of consultation, involvement and

communications employed by LHC in the maintenance of the Safety Management System include:

- Stakeholder liaison meetings
- River users safety meetings
- Risk assessment consultations
- LHC staff appraisal process
- Legislation & enforcement consultation process
- Strategic planning consultation process
- Harbour development consultations
- LHC website, Newsletters & Social Media
- Harbour guide
- Annual report

8.5 Risk Assessment Methodology

8.5.1 Methodology

The risks associated with marine operations need to be assessed and a means of controlling them needs to be deployed.

LHC has established and will maintain procedures for the on-going identification of hazards, the assessment of risks, and the implementation of control measures. The aim of this process is to eliminate the risk or, failing that, to reduce risks to as low as reasonably practicable (ALARP). This formal approach involves the following five sequential assessment stages:

- **Data gathering and familiarisation.** Review of the existing activities, risk control arrangements, policies, procedures and operational functions.
- **Hazard Identification.** Identification of potential hazards and mapping of existing control measures. Hazards are identified in a number of ways including; incident analysis; staff observation and feedback; stakeholder observation and feedback; inspections and audits; equipment manuals; review of approved Codes of Practice; material safety data sheets on substances; subscription to MAIB incident investigation publications; HSE information and guidance material and observation by risk consultant.
- **Risk Analysis.** Consider the likelihood of identified hazardous incidents and their associated potential consequences (who or what may be harmed and how), including prioritisation of their risk factors.
- **Risk Assessment.** Comparison of risk factors with effectiveness of existing control arrangements and subsequent determination of additional control measures (if required) to achieve ALARP. All risk assessments are documented.
- **Risk Control.** Judgement and endorsement of specific control measures to be implemented and managed through the Marine Safety Management System using the following hierarchy of risk control principles:

- a. Minimise risks - by suitable systems of working;
- b. Combat risks - by taking protective measures to prevent risk; and
- c. Eliminate risks – by avoiding a hazardous procedure, or substituting a less dangerous one.

8.5.2 Risk Level Criteria

The resulting risk level from each identified hazard is judged against objective criteria, without being influenced by the financial position of the authority. Risk levels are determined by numerically comparing the potential severity of the consequences (against life, the environment, property and port business) and the likelihood of that hazard occurring. Hazards are then ranked according to their numerically scored risk level. The principal aim of the hazard review process is to actively manage the risk control measures associated with each hazard and attempt to reduce the level of risk.

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9.0 Training

9.1 Competence Assurance

The competence assurance process is linked directly to considered personnel selection and recruitment procedures, relevant job descriptions and appropriate pre-determined recruitment selection criteria that meets appropriate national standards. Typically, the process comprises five stages:

Stage 1: Pre Employment

A person shall not be permitted to undertake work until the entry-level criteria have been satisfied. Entry-level requirements are normally defined within the relevant job description and vacancy notice.

Stage 2: Induction Training

All new staff, including any temporary personnel, will receive appropriate induction training including information on safety policy, operational risks and working procedures. New Harbour Commissioners will receive a briefing on their responsibilities, including those as Duty Holder from the Harbour Master/Chief Executive. Where possible, this will be supplemented by attending an external course where available.

Stage 3: Supervision and On the Job Training

Once a person has been identified as suitable to fulfil a specific job function, that person will be placed under the supervision of a competent person or persons for a period of on-the-job training. During this process a Phase training sheet will be completed which will be endorsed by the supervisor when, for each activity area, the person is considered competent. In certain cases, for example the operation of harbour craft and mooring barge work, the person will be subject to a final competence assessment and 'sign off' by the Harbour Operations Manager.

Stage 4: External Training

For certain job functions it is LHC policy to require external training and certification in addition to the internal assessments conducted in Stage 3. Examples include: Harbour Master Certificate or International Diploma; risk assessment; oil spill response; VHF radio operation; first aid; fire warden; sea survival; engine maintenance and RYA boat operation qualifications.

Stage 5: Competence

A person may be considered competent once he/she has completed all necessary induction training and has been assessed either by his/her supervisor, or by formal assessment on completion of on-the-job training and any external qualifications required.

9.2 Refresher Training

To ensure that employees and Duty Holders remain abreast of developments and to prevent any decline in the level of competence and skills of either management or staff, relevant training and instruction shall be repeated periodically, as appropriate. This will ensure that continued competence and skill levels are maintained.

9.3 Training and Competence Records

All training and instruction provided to employees will be recorded and kept in the Safety Management System files.

9.4 Appraisals

In order for Management to assess the requirements and aspirations of personnel, annual appraisals will be conducted:

The Chairman will appraise the:

- Harbour Master/Chief Executive

The Harbour Master/Chief Executive will appraise the:

- Harbour Operations Manager
- Treasurer
- Administration Assistants x 2
- Marketing & Communications Officer & Administration Assistant

The Harbour Operations Manager will appraise the:

- Senior Harbour Officer
- Harbour Officer x 2
- Maintenance Officer

Each person invited for interview will be requested to complete a personal Appraisal Form prior to attending. The Appraisal Form is a self-assessment document and as such is dependent on the co-operation of the individual to enable management to make a positive judgement on the best way to meet the requirements of both the Harbour and the individual.

The interviews will be informal, the intention being to assist the assessor not only to measure an individual's performance, but also to appreciate their training requirements, personal ambitions and to assist each person in developing his or her objectives.

10.0 Performance Monitoring

The LHC performance-monitoring programme is designed to progressively improve navigational safety. By measuring key indicators, which reflect both the performance of LHC and that of harbour users, appropriate measures can be adopted and introduced which improve marine and occupational safety.

10.1 Performance Measures

The following measures are used to monitor marine safety within Lymington Harbour:

- The total number of marine incidents.
- The location of marine incidents.
- The number of formal Harbour Master warnings issued.
- The number of prosecutions initiated.
- The number of reported pollution incidents.
- Non-availability of navigation lights.
- Number of MAIB investigations initiated.

10.2 Compliance Monitoring

The day-to-day monitoring of Safety Management System controls and evaluation of the level of compliance is achieved through:

- Proactive systems that monitor performance in relation to objectives and operating standards.
- Reactive systems, which investigate incidents and unwanted events.

10.2.1 Proactive Monitoring

The responsibility for conducting compliance monitoring lies with the Administration Assistant (Safety) reporting to the Harbour Master.

10.2.2 Reactive Monitoring

Incident reporting and investigation

LHC wishes to create an environment within which all navigational incidents and near misses are reported. LHC General Directions require that a vessel's Master must provide a report to the Harbour Master should his vessel be involved in certain incidents. However, LHC encourage the reporting of other incidents, for only by understanding the causes and avoidance measures adopted in all such circumstances can more serious incidents be avoided. A dedicated Incident and Near Miss Report Form has been made available for reporting incidents. This form can be downloaded from the LHC website and is also available at the Harbour Office

In relation to the Safety Management System an incident is defined as: 'Any unplanned event which causes, or is liable to cause, an undesirable outcome'.

The above definition encompasses:

- Injury or death to one or more persons;

- Damage to property (i.e. vessels, harbour infrastructure or aid to navigation);
- Damage to the environment;
- Damage to harbour business (i.e. financial loss or damage to LHC's reputation);
- Non-compliance with a statute or regulation; or
- Near misses.

Note that the inclusion of 'liable to cause' brings Near Misses into the definition of incident.

Examples of those to be considered include:

- Situations where a vessel needs to take unconventional avoiding action.
- A vessel passing another so close as to create a risk of collision or interaction.
- A vessel passing so close to relatively shallow water as to create a risk of grounding.
- A vessel passing so close to a structure as to create a risk of contact.

The Harbour Master (or under his direction the Harbour Operations Manager) is responsible for the investigation of marine incidents both from the Marine Safety Management System perspective (i.e. cause/circumstance – see Section 8.1.2) and in the regulatory sense (whether there has been a breach of LHC or other regulations).

The requirements of the Safety Management System and enforcement investigations may conflict as in certain circumstances the Marine Accident Investigation Branch or Maritime and Coastguard Agency may become involved. In such cases, LHC will take a provisional view of any failings of the Safety Management System and act upon them. A full appraisal of the final outcome of any external investigation (following the publication of any reports or the conclusion of any investigation, inquiry or prosecution) will subsequently be undertaken and any remaining issues considered at that time.

10.3 Records and Record Management

The Administration Officer (Safety) in liaison with the Harbour Master and Harbour Operations Manager is responsible for maintaining appropriate records in the Marine Safety Management System. Records are to include a complete audit trail of the development and maintenance of the Safety Management System. Previous versions of Safety Management System documents should be retained in the archive.

11.0 Audit and Review

The auditing and review process of the Safety Management System requires an assessment of continuous development and improvement and its responsiveness to events and changing circumstances.

11.1 Audit

11.1.1 Objectives

Audits are conducted to achieve the following objectives:

- To determine if the Safety Management System is being operated in accordance with LHC's Marine Safety Policy (incl. supporting policies) and the Port Marine Safety Code.
- To monitor the overall effectiveness of the system.
- To identify and implement ways of improving overall performance.
- To confirm that relevant procedures are understood and being actioned by those involved
- The overall objective is to implement systematic and independent audits to support the continuous improvement in marine safety performance.

11.1.2 Independent Audits

In order to comply with the recommendations of the Port Marine Safety Code, LHC appoint an external 'Designated Person' to provide an independent annual audit of the Safety Management System for the purpose of assessing the following:

- The continued provision of an appropriate and effective Safety Management System.
- LHC's ongoing overall performance with the requirements of the Port Marine Safety Code.

In addition, each year Trinity House, the General Lighthouse Authority conducts independent audits of the systems and procedures associated with the availability of aids to navigation. They also conduct a physical audit of the presence of, and functionality of navigation aids.

11.1.3 Internal Audits

The Administration Officer (Safety) is responsible for conducting annual audits to verify:

- Compliance with the policies and procedures set out in the Safety Management System.
- The effectiveness of the safety inspection and planned maintenance regimes.

11.2 Review

Reviews of the Safety Management System performance are carried out as follows:

Every four months

LHC Safety Committee meetings to review marine safety performance including Harbour Master's report on incident numbers, incident trends, staff training requirements, and any major developments (e.g. serious/major incidents and their outcome, enforcement history, major regulatory changes). The January meeting reviews both the four monthly incident statistics and the annual trend.

Annually

- All risk assessments are reviewed once a year or if required after incident.
- Staff to participate in the review of risk assessments relevant to their work and record such review.
- Emergency/Contingency plans are reviewed annually or if required after exercise.
- Standard Safe Operating Procedures (SSOP) are reviewed once a year or if required in light of incident or staff feedback. Staff to participate in review of SSOP relevant to their work areas.
- Waste Management Plan reviewed annually and certified by the MCA every three years.

11.2.1 Review of relevant external information

LHC receives copies of each published MAIB Safety Digest and incident reports. These are reviewed to identify incidents, which impact or have the potential to impact upon the Safety Management System.

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Annex A

LHC Port Marine Safety Code Policy Statement

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THE PORT MARINE SAFETY CODE - LHC POLICY STATEMENT

The Harbour Master/Chief Executive and the Board of Commissioners of Lymington Harbour Authority are the Duty Holders and both collectively and individually, accept responsibility for ensuring that the Harbour Authority discharges its duties in accordance with the Port Marine Safety Code. They have responsibility and accountability for the Harbour Authority's role and powers in relation to marine operations and harbour undertakings and they cannot assign or delegate their accountability for compliance with the Code.

The Harbour Master/Chief Executive is responsible for the operational and financial control of the Harbour Authority. The Commissioners are advised on all matters related to the Authority's statutory powers and duties by the Harbour Master/Chief Executive, Harbour Operations Manager, and Treasurer. The Harbour Master/Chief Executive oversees the implementation of policies and decisions of the Authority and has ultimate executive responsibility for the safety of operations and staff.

The Board of Commissioners understand their statutory and common law duties, which include an obligation to conserve and facilitate the safe use of the harbour and an express duty to take such action as the Harbour Authority considers necessary or desirable for, or incidental, to maintenance, operation, improvement or conservancy of the harbour.

The Board of Commissioners is committed to undertake and regulate marine operations in a way that safeguards Lymington Harbour, its users, the public and the environment. Consultations take place with those who work and use the harbour to ensure that they are involved in the preparation of new legislation, and the development of policies and procedures. Full and comprehensive risk assessments have been undertaken in respect of all activities and facilities within the harbour, leading to the development of a Marine Safety Management Plan and comprehensive Safety Management System for marine operations.

Protection of the environment is recognised by general and specific duties to exercise functions in a manner that has regard to nature conservation and environmental considerations.

The Board of Commissioners will ensure that current plans are available to deal with emergency situations, and that the resources required to implement and exercise these plans are maintained.

The Board of Commissioners is committed to the continuous improvement of safety within Lymington Harbour by the continuous development of policies, systems and techniques of risk control governed by an independent audit system.

Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

 <p>LYMINGTON HARBOUR</p>	<p>Marine Safety Management Plan & Safety Management System</p>	<p>May 2021</p>
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Annex B

LHC Marine Safety Policy & Supporting Marine Policies

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LHC MARINE SAFETY POLICY

Lymington Harbour Commissioners (LHC) has a primary responsibility to:

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

To this end it is LHC Policy that the Harbour Authority shall:

- Seek continuous improvement in safety management.
- Adopt, publish and maintain an effective Marine Safety Management Plan and Safety Management System based on a continuing formalised assessment and mitigation of risk in consultation with Harbour users.
- Verify the effectiveness of the Safety Management System through external independent audit;
- Keep under review the effectiveness of, and if necessary seek amendments to, its legal powers, General and Special Directions in respect of navigational safety;
- Maintain and publish an effective Enforcement and Prosecution Policy;
- Have an effective system for the reporting, recording and proportionate investigation of incidents and for reviewing incident trends to identify where further risk reduction controls may be required;
- Keep the present status of not providing a pilotage or Vessel Traffic System (VTS) under review in accordance with the LHC Pilotage & VTS Policy;
- Make and publish hydrographic surveys in accordance with the LHC Hydrographic Policy;
- Undertake dredging in accordance with the LHC Dredging Policy;
- Remove sunken vessels and other obstructions that are, or may become, a danger to safe navigation in accordance with the LHC Wrecks Policy;
- Ensure the provision of necessary aids to navigation within Harbour limits based on formal risk assessment and in consultation with Trinity House, the General Lighthouse Authority;
- Manage dangerous vessels and dangerous substances in accordance with The Dangerous Goods in Harbour Areas Regulations 2016 and Dangerous Vessels Act 1985.

- Promulgate effectively navigational, tidal, weather and other relevant information to Harbour users as required;
- Provide effective management and co-ordination in respect of LHC's response to emergency incidents within its area of jurisdiction including publishing and maintaining emergency and pollution response plans;
- Take all reasonable measures to avoid damage to property and the environment in accordance with the LHC Environmental Policy;
- Encourage all users and organisations in the harbour to take responsibility for assessing the risks involved in their events and activities and for conducting those events in accordance with the Code of Practice for Organised Events in the Harbour;
- Consult with harbour users and other relevant stakeholders in respect of navigational safety issues and proposed changes to navigation arrangements in accordance with the LHC Consultation Policy;
- Maintain and operate harbour craft, equipment and infrastructure to legal requirements and agreed industry standards;
- License and control moorings and anchorages within Harbour limits.
- Protect the health and safety of transiting passengers and individuals using the harbour for commercial or recreational pursuits;
- Protect the Health and Safety of employees in accordance with the LHC Occupational Health & Safety booklet which sets out safety policy and general safety guidelines. Provide all employees with a copy on induction and keep available for employee review;
- Train employees in accordance with the LHC Training Policy;
- Provide sufficient resources in terms of money, time, personnel, job descriptions of roles and responsibilities, written procedures, instruction and training, facilities and equipment to ensure the effective implementation of the Safety Management System.

Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

LHC PILOTAGE & LOCAL PORT SERVICE POLICY

Pilotage

Lymington Harbour Commissioners (LHC) is a Competent Harbour Authority (CHA) within the meaning of Pilotage Act 1987. Under sections 2(1) and 2(2) of the Act, CHAs are required to keep under consideration:

- Whether any and, and if so, what pilotage services need to be provided to secure the safety of ships navigating in or in the approaches to its harbour; and
- Whether, in the interests of safety, pilotage should be compulsory for ships navigating in any part of that harbour or its approaches. If so, for which ships under which circumstances and what pilotage services need to be provided for those ships.

Since 1987 LHC has assessed that there is not a requirement for a Pilotage service in Lymington Harbour for the following reasons:

- The vessels using the Harbour. With the exception of Wightlink, Isle of Wight ferry service and the local dredging barges that undertake maintenance dredging for the harbour, vessels using the harbour are generally below the size required to carry a pilot. (*Reg 7d: "a Pilotage direction shall not apply to ships of less than 20 meters in length or to fishing boats of which the registered length is less than 47.5meters"*).
- The low likelihood of other qualifying vessels wanting to enter the harbour, as other than the private Wightlink ferry terminal there is limited berthing infrastructure or shore side facility to accommodate such vessels.
- There has never been a request from Wightlink Masters for Pilotage assistance, nor has there ever been a request for Pilotage from other craft using the river.
- The limited carriage of dangerous goods through the harbour.
- The assessed low risk to navigation – well defined, clearly marked and charted navigation channel.
- The low record of accidents and reported dangerous incidents.
- Wightlink maintain an ISM Code compliant audited safety management system incorporating minimum Master qualification requirements, and minimum vessel and route training and familiarisation criteria.
- Once familiarised, Wightlink Masters make many hundreds of trips each year and are therefore very experienced with the navigation of the Harbour.
- In the event LHC were to receive a request for passage assistance this would be provided through the provision of information and / or an escort by a Harbour Patrol vessel.

If LHC were to make Pilotage compulsory, Wightlink Masters and the Masters of the two local dredging barges would be eligible to apply for a Pilotage Exemption Certificate. Therefore, a Pilotage service (vessel and Pilot) would go unused given

there are effectively no other qualifying craft using the river.

LHC will review the need for Pilotage every 5 years unless there is a material change to assessed navigation risk that merits an earlier review. The next review is due in May 2025.

Local Port Service

Harbour Authorities have a requirement to evaluate the provision of Vessel Traffic Services or Local Port services. LHC regard it as most unlikely that large vessels, other than the Wightlink ferry, would enter the harbour and assess the risks as not meriting a Vessel Traffic Service. LHC instead operate a Local Port Service through the provision of the following information/support for Mariners:-

- VHF service (Ch 66 - published hours)
- Notification of Admiralty Charts AC2021, AC2040 and AC 2045
- Printed & Electronic Harbour Guide (includes tide data)
- Navigation & facilities information published on website
- Publication of Local Notice to Mariners on website and to electronic circulation list
- Publication of General Directions
- Publication of tide data on website
- Publication of local wind speed information on website

Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

LHC HYDROGRAPHIC POLICY

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. The safety of navigation is dependent upon the provision of relevant, up to date hydrographic information.

To this end it is Lymington Harbour Commissioners (LHC) Policy that the Harbour Authority shall conduct the provision and publication of Hydrographic surveys in accordance with the Code of Practice published by the United Kingdom Hydrographic Office and the United Kingdom Harbour Master Association. LHC will:

- Commission such hydrographic surveys as regularly as necessary and find and mark the best navigable channels. As a minimum full river surveys to be conducted every two years and locally before and after dredging programmes;
- Place and maintain navigation marks in the optimum positions which are suitable for all conditions;
- Keep a 'vigilant watch' for any changes in the sea or river bed affecting the channel or channels and move or renew navigation marks as appropriate;
- Keep proper hydrographic and hydrological records;
- Publish hydrographic information in a timely manner; and
- Maintain a close liaison with, and provide relevant data to the United Kingdom Hydrographic Office. Such data to include all bathymetric survey data of the sea bed; additions or changes to navigation aids (including locations); and details of obstructions or structures that may pose a risk to navigation.
- Provide regular returns and other information about the authority's local aids to navigation as the General Lighthouse Authority may require.

Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

LHC TRAINING POLICY

Marine Personnel

Appropriate and effective training and the associated competence of marine operations personnel are essential elements in the facilitation of navigation safety. To that end, and in compliance with the requirements of the Port Marine Safety Code, it is Lymington Harbour Commissioners (LHC) Policy that the Harbour Authority shall:

- Adopt the competence standards for marine personnel associated with the Port Marine Safety Code or demonstrate that any standards adopted as an alternative are fully equivalent;
- Ensure that adequate resources are made available to maintain the established standards of competence and training;
- Assess the suitability of all persons appointed to positions with responsibility for marine safety to ensure the required competence standards are met;
- Establish and maintain an appropriate and effective ongoing schedule of marine operational training for LHC marine staff;
- Ensure that all LHC marine staff are appropriately trained and qualified for the tasks they are likely to perform;
- Establish and maintain an effective ongoing schedule of emergency management and response training and exercises;
- Establish a review and assessment programme for all LHC marine training to ensure that standards are maintained. In particular that training is appropriate, relevant, cost effective and meets operational staffing requirements;
- Ensure that appropriate training records are maintained.

Non-Marine Personnel & Duty Holder

- Establish and maintain an appropriate and effective ongoing schedule of relevant safety training for non marine staff;
- Ensure that Commissioners receive suitable induction and training to allow them to properly understand their responsibilities as 'Duty Holder' under the PMSC
- Ensure that all staff are appropriately trained and qualified for the tasks they are likely to perform;
- Ensure that appropriate training records are maintained.

Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

LHC WRECKS POLICY

Lymington Harbour Commissioners (LHC) has a primary responsibility to facilitate the safety of navigation within Lymington Harbour, which includes the removal of sunken, stranded or abandoned vessels and other obstructions that are, or may become, an impediment to safe navigation. To this end, it is LHC Policy that the Harbour Authority shall:

- Be governed by Section 252 of the Merchant Shipping Act 1995 and article 67 of the Pier and Harbour Order (Lymington) Confirmation Act 1951.
- Exercise their wreck marking and removal powers where, in their opinion, a wreck is, or is likely to become, an obstruction or danger to navigation;
- Have regard to the environment in the exercise of these powers;
- Ensure that a risk assessment is undertaken for any wreck in, or near the approaches to Lymington Harbour. LHC powers to raise, remove, destroy or mark a wreck which is, or is likely to become, a danger to navigation will be exercised having regard to that assessment, with the aim of reducing the risk to as low as reasonably practicable;
- Inform the United Kingdom Hydrographic Office of wrecks within Harbour limits;
- Provide Harbour users with up to date, timely and accurate information;
- Consider taking possession of, raise, remove or destroy the whole, or any part of the vessel, and any other property to which the power extends;
- Light or buoy the vessel until it is raised, removed or destroyed; and
- If a vessel is abandoned, or if the owner has made no valid attempt to remove a vessel that has been sunk, or stranded, consider acting to raise or remove or destroy the vessel if it is an obstruction or danger to navigation;
- Ensure there is a well documented reason for the Authority to require the removal of the vessels;
- Ensure that the ownership of the vessel is established beyond doubt or evidence obtained to show that the vessel has been abandoned;
- Ensure notice is given to the owner (if known), or posted on the vessel or in a public place that the Authority intends to take possession of the vessel and raise, remove or destroy it (so that the owner has a reasonable opportunity to remove the vessel himself);
- Subject to the conditions set out in various restrictions, sell the vessel or part of the vessel so raised or removed and any other property recovered during the exercise of the above powers and out of the proceeds of the sale the Authority may reimburse itself for the expenses incurred by it in the recovery, removal or otherwise marking or controlling the vessel;
- Ensure any sale is advertised in the local press;
- Ensure where the wreck has not sunk, and is still visible, a photographic record of the vessels condition will be made before any attempt is made to

salvage it;

- Ensure if the vessel is beyond the salvage or dispersal capabilities of LHC, a reputable salvor or wreck removal contractor will be engaged to carry out the work under a recognised wreck removal contract;
- Ensure that LHC maintains adequate removal of wrecks insurance cover;
- Ensure the contractor has suitable insurance to cover any residual liability;
- Ensure any such salvor or wreck removal contractor will be asked to submit a detailed salvage plan covering;
 1. The method of raising the vessel including whether explosives are to be used;
 2. The arrangements for limiting environmental damage;
 3. If pollution does occur, how it will be dealt with;
 4. Agreed delivery location;
 5. Diving operations connected with the salvage operation, and an assurance that they are to be conducted in accordance with diving regulations; and
 6. A suitable plan for the final disposal of the vessel, whether this involves sale of the entire vessel or part thereof.
- Advise the MCA if any salvage involves the possibility of marine pollution;
- Liaise with the Receiver of the Wreck Department of the MCA as required;
- Ensure periodic surveys will be carried out to check the position of dangerous wrecks;
- Ensure this Policy will operate within the relevant statutory and regulatory framework relating to wrecks, in force from time to time.

Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

LHC DREDGING POLICY

Subject to continued compliance with the Maintenance Dredging Protocol and the Environmental Policy Statement Lymington Harbour Commissioners (LHC) shall:

- Commission such hydrographic surveys as necessary to inform dredging requirements to maintain the main navigation channel downstream of the railway bridge; berthing fairways; and maintained berthing areas;
- Exercise their powers to operate a regular programme of maintenance dredging to maintain the main navigation channel; berthing fairways; and maintained berthing areas;
- Recognise the need for maintenance dredging (at their cost) within the private marinas;
- Provide Harbour users with up to date, timely and accurate information;
- Ensure all maintenance dredging within Harbour limits is either conducted under LHC's Statutory powers to dredge (current position) or is the subject of a valid Marine Licence granted by the Marine Management Organisation;
- Ensure that all dredged material is disposed of at an authorised disposal site and is the subject of a valid Marine Licence granted by the Marine Management Organisation;
- Generally support proposals to improve facilities and increase trade through capital dredging.
- Maintain and develop the Maintenance Dredging Protocol for sustainable dredging in the Harbour. Subject to environmental assessment and consents, identify opportunities to beneficially use sediment from dredging operations locally (also see LHC Environmental Policy).

Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

LHC ENVIRONMENTAL POLICY

Harbour Authorities have a general duty to exercise their functions with regard to nature conservation and other related environmental considerations. They may now seek additional powers for these purposes. They also have an obligation, where a Special Protection Area for Birds or a Special Area of Conservation has been designated under the Wild Birds or Habitats Directives, to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. Harbour authorities also have to comply with The Natural Environment and Rural Communities Act 2006 which strengthened the requirement for public bodies, including statutory undertakers, to have regard for bio-diversity in undertaking their activities.

Lymington Harbour Commissioners (LHC) will comply with the above legislation while seeking to maintain the balance between commercial, recreational and environmental interests to ensure a sustainable and commercially viable port.

The Harbour Commissioners are committed to achieving high standards of environmental management through a framework of setting and reviewing environmental objectives and targets relating to conservation and regulation of the Harbour. We will:-

- Publish an environmental policy and keep it under review to ensure it is 'current' and fit for purpose. Develop actions that deliver environmental policy objectives and report on them annually;
- Consider environmental factors when setting policies and formulating plans in managing the harbour. Assess and mitigate environmental risks for LHC operations;
- Ensure that any new development is assessed for environmental impact in accordance with prevailing regulations and licencing requirements and where relevant, takes account of climate change forecasts for sea level rise;
- Maintain and develop the Maintenance Dredging Protocol for sustainable dredging in the Harbour. Subject to environmental assessment and consents, identify opportunities to beneficially use sediment from dredging operations locally to reduce saltmarsh erosion or create new saltmarsh and intertidal habitat;
- Work with the community to maintain and improve existing local wildlife habitats and to create new ones;
- Be an active member of the Solent European Marine Site (SEMS) Management Group or other relevant environment forums. Contribute to the annual reporting process and proportionally implement relevant recommendations;
- In conjunction with Wightlink, maintain, exercise and keep under review an MCA approved Oil Spill Contingency Plan and ensure that controls are in place to minimise risks of pollution. Maintain an MOU with local harbour authorities to share resources and personnel in the event of an incident;
- Maintain and keep under review an MCA approved Waste Management

Plan. Continually assess recycling, re-use and waste minimisation opportunities and report on actions and initiatives to reduce waste and clean up litter;

- Maintain close liaisons and working links with New Forest National Park Authority, Natural England and the Environment Agency, who are statutory consultees on projects and operations which have the potential to affect the environment;
- Where costs, practicality and availability allow, apply best available technology and practice to goods and plant acquisitions, facilities and activities to reduce emissions, minimise energy consumption and reduce environmental impacts;
- Implement initiatives and publish communications to raise awareness about environmental issues and to encourage good environmental practice by employees, harbour users, local residents and the business community. Report annually on environmental performance in the Annual Report and on the LHC website.

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Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

LHC ENFORCEMENT & PROSECUTION POLICY

Lymington Harbour Commissioners, in exercise of the powers conferred by The Lymington Harbour Revision Order 2014, and of all other powers then enabling, is a Statutory Harbour Authority. As such it has a duty to regulate use of the harbour within its jurisdiction, and uses General Directions, Special Directions and national and international legislation (such as the International Regulations for the Prevention of Collisions at Sea) to regulate use of the harbour including vessel traffic.

General Directions set out the day to day rules that govern use of the harbour by persons or vessels. They are published and are available on the Lymington Harbour Commissioners website, on the Harbour Notice Board, or from the Harbour Office on request.

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. This includes directions of when and how vessels may enter or navigate within the harbour and where and how they may moor.

Special Directions are directions given by the Harbour Master (or his deputies) to deal with matters that are of immediate concern and will normally be an oral instruction to one or more users requiring immediate attention.

Persons who fail to comply with a general direction or special direction shall be guilty of an offence and liable on summary conviction in the Magistrates Court to a fine not exceeding Level 4 (up to £2,500) on the standard scale depending on the offence.

Principles of Enforcement

The Harbour Commissioners have statutory powers to regulate the conduct of vessels and persons within the harbour limits and the Harbour Master's jurisdiction. To assist in the management of marine operations, the preservation of public safety, and the protection of the environment, enforcement action will sometimes be necessary.

It is recognised that most harbour users will seek to comply with the law and local practice. The Harbour Commissioners will, where possible, help users to meet their legal obligations without unnecessary expense while taking firm action – including prosecution where appropriate – against those who flout the law or act irresponsibly.

The Harbour Commissioners will provide information and advice in plain language on the rules that apply in the Lymington River, and will disseminate these as widely as possible. Legal powers will be used proportionately and appropriately to safeguard and improve public safety and the environment. The safety of residents, harbour users and visitors is of primary importance, and will be the focus of any enforcement action.

The Harbour Commissioner's staff will consider dialog, education and persuasion in dealing with those who contravene General Directions. Where a criminal offence has been committed the further options of cautioning or prosecuting the offender are available.

The Harbour Commissioners will minimise the costs of compliance for users by ensuring that any action taken will be proportionate to the risks. Where the law allows, the circumstances and the offender's attitude will be taken into account when considering a course of action.

The Harbour Commissioner's staff will carry out their duties in a fair, equitable and consistent manner. They will seek to be clear, open and helpful in their approach to enforcement.

The Commissioners will seek to target enforcement resources in areas of greatest need, and will be guided by their policies, aims and objectives. Regular liaison with other local enforcement agencies will take place, and joint working will be considered to resolve particular issues as they arise.

Enforcement Action

Enforcement action can take the form of:

- Verbal Warning – education by Harbour Staff should they observe a contravention of the Directions.
- Formal Caution – written warning from the Harbour Master or Operations Manager setting out the manner in which the Directions have been breached and the implications should the recipient re-offend.
- Prosecution in the local Magistrates Court.
- A combination of any of the above.

Consideration of Action

Prosecution is a serious step and must be regarded as the ultimate sanction. A prosecution will be initiated when the offender's conduct has been such that that The Harbour Commissioners cannot impose an appropriate sanction and that the offence warrants the attention of the Magistrates.

The Harbour Commissioners are committed to assisting other enforcement agencies, including the police, to pursue their statutory duties. The Harbour Master will liaise with any enforcement agency that may also have an interest in any matter being considered for prosecution.

When investigating alleged offences Harbour Staff will always explain the purpose of the stop, visit or interview. Each case will be considered on its individual merits and a prosecution will only be initiated in accordance with this policy.

In addition to the Commissioner's internal policies, due regard will also be given to the Code for Crown Prosecutors. Legal advice will always be sought prior to taking a prosecution to establish that the case is 'sound'.

Any decision to initiate a prosecution will be recorded in writing and the reasons for initiating the action will be given.

Any investigation by Harbour Staff will be conducted pursuant to the Police & Criminal Evidence Act 1984 and the relevant Codes of Practice. Where applicable, best practice will be observed as set out in national guidelines issued by such bodies as the Department for Transport and/or the Maritime Coastguard Agency.

The Harbour Commissioners recognise that once a prosecution has been

commenced, control of the matter is ceded to the Courts and Criminal Justice System.

Enforcement Factors

In considering the appropriate enforcement action, the Harbour Master will take into account the following:

- The seriousness of the offence.
- The risk of harm to the public and others.
- The public interest.
- The explanation of the offender.
- Whether the offender has obstructed officers in the pursuance of their functions.
- Whether the matter is a recurrence.
- Whether there have been any other contraventions of the General Directions or legislation by the offender.
- The willingness of the offender to prevent a recurrence of the incident.
- The action taken by the offender to mitigate damage or loss to others.
- The availability of witnesses.
- The sufficiency of evidence.

Prosecution

Prosecution, as an ultimate sanction will be considered in any of the following circumstances:

- Where the offence is a flagrant breach of the General Directions or legislation such that public safety or well-being is put at risk.
- Where the offence involves an obstruction of officers in the pursuance of their duties.
- Where the offence involves failure to comply with a warning.
- Where there is a history of similar offences.
- Where the offence involves a risk of damage to the environment.
- There are other public interest factors mitigating in favour of prosecution.

Nothing in this Policy shall subvert Harbour Directions, regulations or terms and conditions.

 <p>LYMINGTON HARBOUR</p>	<p>Marine Safety Management Plan & Safety Management System</p>	<p>May 2021</p>
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ANNEX C

LHC Consultation Policy

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LHC CONSULTATION POLICY

Both the Ports Good Governance Guidance (March 2018) and the Port Marine Safety Code emphasise the importance of effective consultation with stakeholders. It is therefore policy, that Lymington Harbour Commissioners (LHC) shall strive to maintain a consensus about safe navigation through stakeholder engagement and employee consultation.

In line with the provisions of the Lymington Harbour (Constitution) Revision Order 2002, the main vehicle for consultation with harbour users is the Lymington Harbour Advisory Group (LHAG). LHAG will meet at least twice a year to consider significant matters affecting the policy and management of the Harbour. Minutes of LHAG meetings are published on LHC's website. The Chairman of LHAG (or his deputy) is invited to attend LHC Board meetings. The Advisory Group is made up of the following representatives:

- | | |
|--------------------------------|--|
| • Recreational Users | From the two sailing clubs |
| • Recreational Users | Lymington Amateur Rowing Club |
| • Commercial boat owners | A local fisherman |
| • Ferry operators | Wightlink |
| • Marinas | From the two marinas |
| • Local People | Lymington & Pennington Town Council |
| • Local People | Lymington Society |
| • Local business | Chamber of Commerce |
| • Environmental interests | Hants and IOW Wild Life Trust
Wildfowlers Association
New Forest National Park Authority |
| • Coastal Protection interests | NFDC |
| • RNLI | From the RNLI |

The River Users Safety Group will meet at least once a year to consider navigational safety. Additional meetings will be scheduled as required to consider navigational safety issues and proposed changes to navigational arrangements. The River Users Safety Group comprises of representatives from the following organisations:

- Lymington Harbour Commissioners
- Lymington Harbour Advisory Group
- Wightlink
- Royal Lymington Yacht Club
- Lymington Town Sailing Club
- Lymington Amateur Rowing Club

In addition to consultation through the above groups, LHC will provide regular feedback on the Authority's performance, in particular its compliance with the Port Marine Safety Code, to all stakeholders. This will be achieved through the

publication of an annual review of LHC activities and achievements (Annual Report) and through an annual public meeting.

LHC will include employees and contractors in consultation on marine and workplace safety through participation in LHC Safety Committee meetings and in formulating Standard Safe Operating Procedures and through establishing contractor safety controls prior to commencement of work.

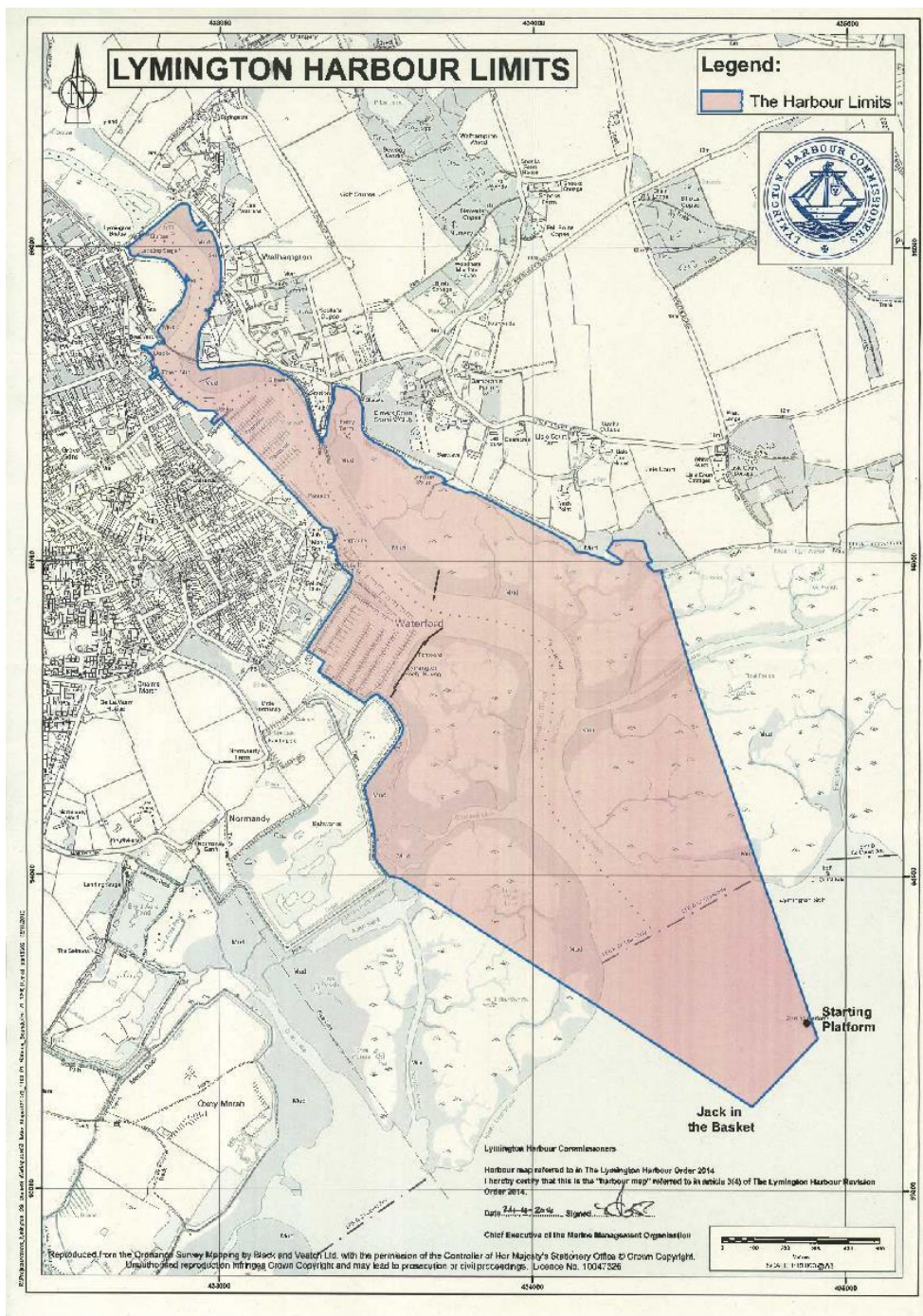
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ANNEX D

Harbour Limits Plan

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LHC – Marine Safety Management Plan
Version 15 – May 2021

ANNEX E

Lymington Harbour Local Legislation

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LOCAL LEGISLATION

The duties and powers of Lymington Harbour Commissioners are set out in the following local legislation:

The Pier and Harbour Order (Lymington) Confirmation Act 1951³ as amended by:-

- The Lymington Harbour Revision Order 1976
- The Lymington Harbour Revision (Constitution) Order 2002
- The Lymington Harbour Revision Order 2014

The Lymington Harbour (Works) Revision Order 2014

The Lymington Harbour General Directions 2014

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³ 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.