



# Marine Safety Management System (MSMS)

## INTRODUCTION

The Port Marine Safety Code (PMSC) was published by the Government in March 2000. The Code establishes an agreed national standard for port marine safety, and formalises the duties and responsibilities for safety and environmental protection within UK ports and harbours.

The Code requires that all harbour authorities base their powers, policies, plans and procedures on a Formal Safety Assessment (FSA), and that they maintain a Safety Management System to control the risks that are identified to a level which is as low as reasonably practicable (ALARP).

Exeter Port Authority is working towards compliance as a “Competent Harbour Authority” as defined the Pilotage Act 1987, and as such the Authority aims to fall under the requirements of the Port Marine Safety Code.

Exeter Port Authority has developed a Safety Management System (SMS) in accordance with the requirements of the Port Marine Safety Code taking cognisance of the advice in the Guide to Good Practice on Port Marine Operations. Noting that Exeter Port Authority is working towards compliance (as Competent Harbour Authority as defined the Pilotage Act 1987) a pragmatic approach has been taken to the application of the Code.

The SMS documents the arrangements put in place by Exeter Port Authority to ensure, as far as is reasonably practicable, the safety of those working on, visiting or using the Exe Estuary, approaches and river including the Exeter ship Canal is of paramount importance.

Exeter Port Authority is committed to compliance with the requirements of the Code and the further development of the Safety Management System where necessary.

Grahame Forshaw MBE MNI  
Harbour Master  
Exeter Port Authority



## VISION

To be a safe, user-friendly and financially sustainable harbour which contributes positively to the wellbeing of residents and visitors, net-zero ambitions, and the local economy whilst maintaining the character, beauty and leisure potential, biodiversity and ecological health of the Port of Exeter.

## MISSION

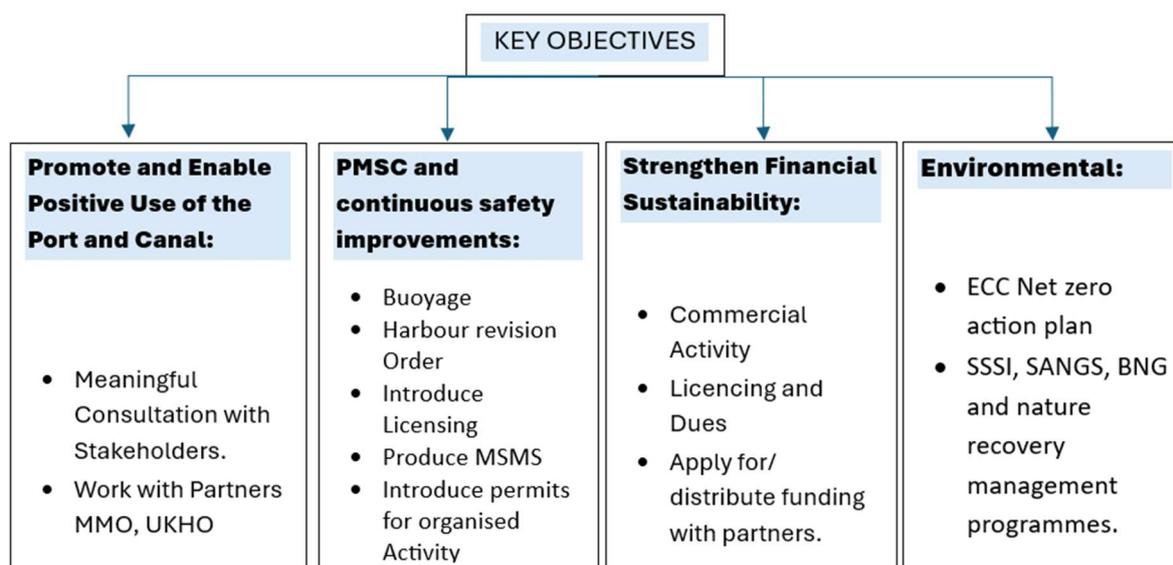
To operate a modern, safety led and efficiently run harbour that upholds exemplary standards of marine safety while delivering value for money, sustainable services consistent with principles of good governance and environmental stewardship. We will enhance and protect the estuary and canal for current and future users, support active lifestyles and community wellbeing, and ensure that our operations adapt effectively to forthcoming administrative and organisational developments.

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## CORE VALUES

- ✓ We will take responsibility for ensuring safe and well-managed waterways, supporting healthy, inclusive communities and contributing to wider wellbeing goals.
- ✓ We will promote access to waterways and encourage active, healthy lifestyles, recognising the role of culture, recreation and outdoor activity in improving quality of life and supporting local economies.
- ✓ We will demonstrate strong environmental stewardship, contributing to sustainable environmental outcomes and working towards a pathway to net-zero emissions.
- ✓ We will engage proactively and constructively with stakeholders, fostering collaboration consistent with Exeter City Council corporate plan's emphasis on partnership working

## KEY OBJECTIVES



DRAFT



# EXETER PORT AUTHORITY – SAFETY MANAGEMENT SYSTEM IN COMPLIANCE WITH THE PORT MARINE SAFETY CODE (PMSC)

**The Exeter Port Authority Board is responsible for policy. The Harbour Master is responsible for the organisation and the facilities. The staff implement the policy. Together these three categories form the system that puts policy into effective practice.**

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## PORT MARINE SAFETY CODE – STATEMENT BY DUTY HOLDER

- 1.1 Exeter City Council Executive take on the role of Duty Holder. The Duty Holder's responsibility is to ensure safe marine operations in the harbour and its approaches and compliance with the Port Marine Safety Code.
- 1.2 Main roles include:
  - 1.2.1 Maintaining strategic oversight and direction of all aspects of the harbour operation including marine safety.
  - 1.2.2 Responsibility for the development of policies, plans and systems and procedures for safe navigation.
  - 1.2.3 Ensuring that assessments and reviews are undertaken as required to maintain and improve marine safety.
  - 1.2.4 Ensuring that Exeter City Council seeks and adopts appropriate powers for the effective enforcement of their regulations and for setting dues at an appropriate level.
- 1.3 Exeter City Council Executive's role as Duty Holder is not to be confused with the role of the Harbour Master, who has day to day responsibility for the safe operation of navigation and other marine activities in the harbour and its approaches. The Duty Holder has a responsibility to appoint a competent and suitably qualified person with sufficient experience for the role and ensure they are sufficiently resourced.
- 1.4 The Duty Holder is familiar with the content of the Port Marine Safety Code and aware of its' responsibilities in relation to it. Exeter Port Authority (EPA) has a safety management system in place, and the Duty Holder is familiar with the contents.
- 1.5 In discharging the role of Duty Holder, all members of the Executive are required to sign to the effect that they are aware that their Duty Holder responsibility remains one of the primary functions of the Executive – a matter which is taken seriously, reviewed regularly and audited rigorously.

## EPA SAFETY POLICY

- 2.1 The Duty Holder is committed to running the Harbour in accordance with a Strategic Vision that will be developed through stakeholder consultation.
- 2.2 The Exeter City Council Executive is the nominated “Duty Holder” under the PMSC and has committed itself to meeting or exceeding all legal requirements, complying with the requirements of the PMSC and ensuring that adequate resources are available to discharge its’ navigational safety obligations.
- 2.3 The ECC Executive have directed that the Exeter Port Authority (EPA) Safety Management System is to be structured, cohesive and auditable.
- 2.4 Port Limits. Exeter Port Authority recognises that historically there have been a number of descriptions in law of the extent of the port limits. For the purposes of this document the extent of the port limits will be:

The River Exe and its Estuary above an imaginary line projected in an easterly direction from Langstone Point to the Exe Fairway Buoy (at 50° 35.9’N – 3° 22.1’W) and thence in a north easterly direction to Straight Point. The northern limit on the Exe shall be the Mill on the Exe public house and the River Clyst to Fishers Bridge. It also includes The Exeter Ship Canal and the Exeter city basin.

### See Annex A

- 2.5 The EPA is committed to running a safe, efficient and welcoming harbour that caters for the needs of the local communities, visitors and the environment. EPA will provide a safe port within the limits of their jurisdiction, which is open to the public for the transportation of passengers and goods. It will enhance the safety of the harbour by exercising statutory conservancy functions to a high standard. It will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. EPA will ensure that current plans are available to deal with emergency situations and that the resources required to implement these plans are maintained and exercised.
- 2.6 The policy incorporates input from officers, staff and harbour users as high standards of safety can only be achieved through dialogue and co-operation. Exeter Port Authority shall identify, quantify and manage the significant marine risks associated with the harbour. All user groups in the river and canal are responsible for their own risk assessments and safe systems of work where appropriate and should be made available to EPA on request. This will ensure there is proper control of movements of all vessels by regulating the safe arrival, departure and movement within the harbour. Existing powers shall be reviewed on a periodic basis to ensure that they are fit for purpose. Plans and reports shall also be published as a means of improving the transparency and accountability of EPA, as well as providing reassurance to the

users of the port facilities. EPA shall consider past events and incidents to recognise the potential dangers and the means of avoiding them.

- 2.7 Exeter Port Authority is committed, specifically to:
- 2.7.1 Ensure that the best channels for navigation are determined, marked and monitored.
  - 2.7.2 Monitor lights and marks used for navigation within their jurisdiction.
  - 2.7.3 Provide Hydrographic surveys of the river when required for the maintenance of up-to-date charts.
  - 2.7.4 Have an effective system for promulgation of navigation warnings affecting the harbour.
  - 2.7.5 Consider the effect of weather on harbour safety and promulgate warnings as required. [Links created from EPA web site to sources of information.](#)
  - 2.7.6 Carry out all its functions with special regard to the possible environmental impact, protecting the unique character of the River Exe and Exeter Ship Canal.
  - 2.7.7 Consider the effect on the harbour of proposed changes in use or harbour works.
  - 2.7.8 Maintain an up-to-date set of regulations in consultation with port users and enforce them to effectively regulate harbour use.
  - 2.7.9 Enforce all relevant statutory harbour legislation as necessary.
  - 2.7.10 To indicate suitable anchorages within harbour limits.
  - 2.7.11 Provide suitable resources to deliver effective marine services such as the provision of harbour patrol craft.
  - 2.7.12 Operate efficiently and safely the harbour workshops, machinery, plant, equipment harbour vessels, mooring berths, and pontoons.
  - 2.7.13 Ensure that suitable plans for emergency situations are maintained and regularly updated and exercised.
  - 2.7.14 Keep duties and powers under review.

2.8 Exeter Port Authority shall also:

2.8.1 Assign roles and responsibilities of key personnel in section 3 and in their role profiles.

2.8.2 Outline present procedures for marine safety within the harbour and its approaches.

2.8.3 Measure performance by effectively recording incidents, including near misses.

2.8.4 Revise and exercise against the emergency plans.

2.8.5 Be open to audit by the Designated Person on an annual basis.

2.9 **Conservancy:** Exeter Port Authority Board (EPAB) recognises its duty as a Competent Harbour Authority (CHA) to conserve the harbour so that it is fit for use as a port and a duty of care to see that the harbour is in a fit condition for a vessel to use it. In this respect EPA are an active member of the AONB and support their environmental plan for the catchment area.

2.9.1 EPA will aim to provide users with adequate information about conditions in the harbour.

2.9.2 EPA recognises the extent of its duty and powers as a Local Lighthouse Authority (LLA); and specific powers in relation to wrecks.

## MANAGEMENT OF EXETER PORT AUTHORITY SAFETY MANAGEMENT SYSTEM (SMS).

- 3.1 **Accountability and Responsibility** - The Duty Holder is Exeter City Council Executive. They are collectively and individually responsible for their commitment to the Safety Management System; and that they understand that they cannot delegate or assign their accountability for compliance (or proposed compliance) on the grounds that they do not have a particular skill in this area. The Council Executive sets the policy and strategy, and as such are collectively the Duty Holder. The Harbour Master and staff provide the means of implementing the policy.
- 3.2 Any decisions taken or policy set must consider any issues related to harbour safety. The consideration of such issues discussed at Executive Level are to be minuted and recorded in the Exeter City Council electronic filing system. The ECC are responsible for deciding where risks are to be insured, disclaimers issued and notices displayed. EPA staff are responsible for provision of expertise and advice. The ECC issues safety policy and EPA Safety Management System is supported by several policies, procedural and operational documents by which the Authority ensures (proposed) compliance with the Port Marine Safety Code. Owing to the broad reaching requirements of the Code and the need to ensure documentation keeps pace with changes, it is refreshed when required and is readily referenced by staff and the public. The documentation is maintained in accordance with the Councils' Data Management Policy. The principle that each strand of documentation should be kept in one place only and then cross referenced where required is followed. Consequently, this Safety Management System provides many of the links to enable access to the key files and documents.
- 3.3 Exeter Port Authority aims to discharge the roles and statutory duties which are placed on EPA by the Exeter Port Dues Act (1840), the Exeter Canal Act (1883) The Pilotage Act (1987) and the Exe Estuary Byelaws (1976). The EPA will review their powers periodically and in the event of an occurrence which highlights any shortfall.
- 3.4 **The Designated Person** provides independent assurance directly to the Duty Holder that the SMS for which the Duty Holder is responsible, is working effectively. The main responsibility of the Designated Person is to determine, through inspection, assessment and audit, the effectiveness of the SMS.
- 3.5 **Exeter Port Authority Key Safety Management Roles and Responsibilities** – Safety responsibilities of EPA staff are contained in their role profiles and are detailed below.
- 3.6 **Harbour Master (HM)** – To act as Safety Director - To be responsible for the preparation of Port Security plans and exercises, ensure compliance with government legislation and have overall responsibility for Health and Safety of the workforce.

- 3.6.1 Uphold the Exeter Port Authority safety management system and safety policy statement in response to the Port Marine Safety Code.
  - 3.6.2 Ensure that all staff are competent and aware of their Health and Safety responsibilities.
  - 3.6.3 Act as 4P Oil Spill Clearance – On-Scene Commander.
  - 3.6.4 Ensure that personal technical competencies are maintained. Commit to further CPD as new standards are introduced.
  - 3.6.5 Oversee recruitment of volunteers to assist with harbour patrols. Volunteers are to be briefed and trained by staff and be conversant with the volunteer code from Exeter Port Authority.
  - 3.6.6 Oversee the annual maintenance programmes. Ensure timely, regular and thorough inspections of Exeter Port Authority equipment and craft.
  - 3.6.7 Be responsible for the investigation of Health and Safety incidents within the Port limits.
- 3.7 **Canal Manager (CM)** – To act as Deputy Safety Officer, supporting the Harbour Master in the role of Safety Officer.
- 3.7.1 Report on (and if necessary, investigate) any health and safety incidents at the canal to the Harbour Master.
  - 3.7.2 Uphold Exeter Port Authority Safety Management System and Safety Policy Statement in response to the Port Marine Safety Code.
  - 3.7.3 Ensure that all staff are trained, competent and aware of their Health and Safety responsibilities.
  - 3.7.4 Act as 4P Oil Spill Clearance – On-Scene Commander in the absence of the Harbour Master.
  - 3.7.5 Ensure that personal technical competencies are maintained. Conduct regular reviews and appraisals with canal staff in accordance with ECC guidelines.
  - 3.7.6 Ensure that all canal safety equipment is serviceable and in date for testing.
  - 3.7.7 Oversee the annual canal maintenance programmes. Ensure timely, regular and thorough inspections of Exeter Port Authority equipment and craft.

3.7.8 To monitor river and canal levels so that appropriate action is taken to reduce the risk of flooding.

### **3.8 Harbour Officer (specific responsibilities to be allocated individually)**

3.8.1 Carry out tasks with regard to compliance with Exeter Port Authority's safety management system, including adherence to risk assessment documentation. Undertake / Review risk assessments that relate to operational and technical activities.

3.8.2 Report on any health and safety incidents to the Harbour Master.

3.8.3 Ensure that all safety equipment used on the river is in good condition and report any equipment that is not to the Harbour Master.

3.8.4 To have knowledge of moorings, tackle and associated equipment within the Port of Exeter.

3.8.5 Be responsible for scheduling of planned moorings, plant and fleet maintenance.

3.8.6 Maintain a record of moorings inspected, their condition at the time of inspection, their position and the equipment of which they comprise. Maintain records of Exeter Port Authority's moorings, tackle, plant and equipment.

3.8.7 Ensure that as part of the Local Lighthouse Authority duties, that the Harbour Authority's navigation marks are kept in good order and suitably maintained.

3.8.8 Patrol the harbour areas and those areas managed by the Authority both afloat and ashore at times and in accordance with other instructions as directed. This is to include but is not limited to enforcing harbour byelaws and other applicable legislation, rules and instructions, the collections of dues and fees owed to the Authority for the use of the harbour and provision of services, the assistance of those navigating and mooring within the harbour and the direction of traffic within the harbour including the allocation of temporary moorings.

3.8.9 Assist the canal team as required.

### **3.9 Harbour Officer – Canal**

3.9.1 Carry out tasks with regard to compliance with Exeter Port Authority's safety management system, including adherence to risk assessment documentation. Specifically, to assist with Safety Management relating to technical and engineering aspects of operational activities.

- 3.9.2 Report on any health and safety incidents to the Canal Manager (CM) or Harbour Master.
- 3.9.3 Ensure that all safety equipment used on the Canal and upper River Exe reaches inside the Harbour Authority limits is in good condition and report any equipment that is defective to the Canal Manager (CM) or Harbour Master. Maintain a record of life rings and throw lines and ensure safety chains are in good order.
- 3.9.4 Monitor and adjust the Canal water levels to ensure levels are within safe limits.
- 3.9.5 Monitor the canal for potential pollution issues. Act as first (Tier 1) responder to incidents.
- 3.9.6 To be subject matter expert on water related assets and associated equipment within the Canal area.
- 3.9.7 Be responsible for carrying out scheduled work relating to the Canal. Ensure work sites are properly managed with signage and barriers. Maintain Canal related assets including equipment and plant.
- 3.9.8 Manage vessel movements in the Canal through locks and swing bridges. Ensure vessels are correctly and safely moored. Ensure the safe slinging and lifting of boats onto the wharfs. Report boats of concern to Canal Manager (CM) or Harbour Master.
- 3.9.9 Ensure all third-party contractors, agencies and licence holders working around the Canal areas are authorised and working in a safe manner.
- 3.9.10 Ensure that as part of the Local Lighthouse Authority duties, that the Harbour Authority's navigation marks and moorings are kept in good order and suitably maintained.
- 3.9.11 Patrol the Canal areas and those areas managed by the Authority both afloat and ashore at times and in accordance with other instructions as directed. This is to include but is not limited to enforcing harbour byelaws and other applicable legislation, rules and instructions, the assistance of those navigating and mooring within the harbour and the direction of traffic within the harbour including the allocation of temporary moorings.
- 3.9.12 Assist the harbour team as required.

### 3.10 **All employees have a duty to:**

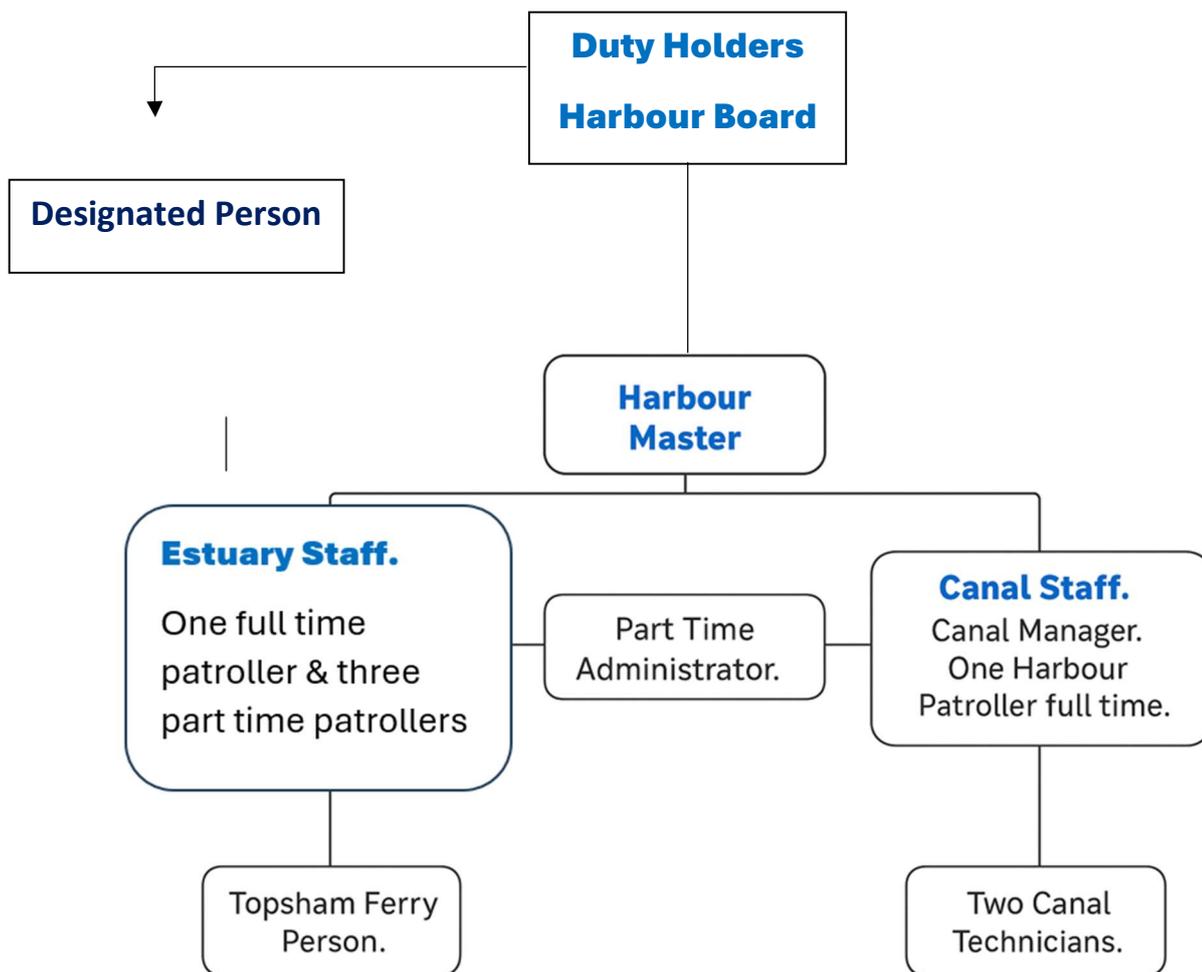
- 3.10.1 Comply with all harbour safety procedures as laid down by EPA / ECC.

- 3.10.2 Ensure that EPA marine operations are undertaken in a safe manner.
- 3.10.3 Report hazards, risks, accidents, incident or near misses to the Harbour Master.
- 3.10.4 All staff and volunteers have a responsibility to make sure they are fully briefed and trained for the tasks requested of them and to carry out their duties mindful that they are acting on behalf of Exeter City Council.
- 3.11 **Harbour Users** operating both commercially and for leisure are responsible for:
  - 3.11.1 Their own health and safety and that of other harbour users who may be affected by their acts or omissions.
  - 3.11.2 Complying with Bye-Laws, directions and other regulations aimed at ensuring safe use of the harbour.
  - 3.11.3 Report hazards, risks accidents, incident or near miss to the Harbour Master.
  - 3.11.4 Notify Exeter City Council ([link](#)) of events planned within the harbour's boundaries.
- 3.12 **Relevant Documentation** - Management of these safety controls and procedures are set out in existing public documents. Relevant sections of these documents are cross-referenced to PMSC standards and the majority of these can be accessed by the public on the EPA website:
  - 3.12.1 [Exe Estuary Byelaws \(1976\)](#)
  - 3.12.2 EPA PMSC Response to indicate compliance with the PMSC to the MCA.
  - 3.12.3 [Local Notices to Mariners](#) and Exe Estuary Management publications such as the latest Exe Harbour Guide published by the [Exe Estuary Management Partnership](#).
  - 3.12.4 EPA Waste Management Plan.
- 3.13 The following documents and plans are available in the SMS but not available to the public on the website:
  - 3.13.1 EPA Emergency Plan (not posted on the web)
  - 3.13.2 EPA Oil Spill Response Plan (OPRC) and the Estuary Plan (EA) (not posted on the web)
- 3.14 **Plans including Contingency Plans** - The SMS includes policies for emergency plans, conservancy, and the environment, management of navigation, and pilotage.

GF to create process and record

GM to add links when doc in final draft/doc available.

- 3.15 **Nominated Duty Safety Officer** - The Harbour Master has overall responsibility for safety as described above. In his absence, during working hours safety on the water is managed by the most appropriate member of staff present (normally the most senior and appropriately qualified person) - who can contact the Harbour Master in the absence of operational management.  
Outside of working hours the ability of the public to contact staff is covered by EPA Risk Assessment and includes the broad distribution of EPA out of hours contact details. Urgent safety matters should be referred to the Harbour Master who is responsible for ensuring that the Officers and Safety Managers are informed where appropriate.
- 3.15.1 **Emergencies in the Port** - Emergencies where life is in danger must be notified at once to the Coastguard by one of the following methods:
- 3.15.2 Dial 999 from a landline and ask for the Coastguard.
- 3.15.3 VHF Channel 16.
- 3.15.4 Dial 112 from a cellular phone and ask for the Coastguard.
- 3.15.5 Other emergencies where life is not in danger should be notified to one of the operational managers (HM, CM).
- 3.16 **Reporting of accidents or near misses** - The public are asked to bring matters of safety – all accidents, incidents and near misses – promptly to the attention of the Harbour Master by completing the [on-line form](#) or directly to a member of staff. The reports will be used to help in assessment of the effectiveness of the SMS. Any incident reported in any form should be recorded in the incident log and supporting documentation and incident reporting.
- 3.17 **Competence Standards** – The Duty Holder will where necessary assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation (Harbour Master). Employees of the harbour are recruited on their suitability to fill their job descriptions. Employees are appraised annually and, at that time, their job description, performance and training requirements are reviewed. Staffing as at February 2022
- 3.18 **Recruitment** - The Harbour Master recruits suitably qualified staff to fill the roles set out in the following organisation plan.



3.19 **Training Policy** - It is recognised that the successful implementation of the EPA SMS can only be achieved through a policy of continuous training, with regular reviews of specific training requirements.

3.19.1 The training policy is to undertake training where appropriate for all members of staff to provide the services required by EPA and expected by stakeholders. Officers and staff are to be suitably trained to be competent and qualified up to a minimum national standard to fulfil their roles within the organisation.

3.19.2 Safety training is regarded as an indispensable ingredient of an effective SMS. It is essential that all involved in the safe management and operation of the port will be trained to perform their operations safely. A competence matrix has been developed that includes details of minimum qualification requirements for vessel operations, the details of which staff are qualified for each of the afloat crew positions and shows the status of continuation training. This matrix should be used alongside the risk assessment for the

relevant vessel as these show minimum crew levels for specific operations and other required risk mitigations. The continuation training section of the competence matrix is reviewed periodically in order to ensure training is focussed where most appropriate.

- 3.19.3 The main training profile for the EPA is to ensure that members of staff are qualified to conduct duties, operate EPA vessels and the many items of equipment. This includes revalidation of these qualifications. Training is seen as continuous.
- 3.19.4 It is vital that employees are correctly trained and then certified in those areas where highlighted as part of the staff appraisal process. Employees are trained both internally and externally to achieve the requisite level.
- 3.19.5 Due to the seasonal nature of the work undertaken by EPA staff, most of the staff perform service delivery duties during the summer months and maintenance operations during the winter. Both aspects require training.
- 3.19.6 Records of training show clearly the type and the date of training received, planned dates, and required dates with no date yet fixed. Staff related in-house training is contained in the competence matrix.
- 3.19.7 Newly recruited personnel whose duties require them to go afloat require a minimum qualification of RYA Powerboat Level 2. These personnel will be trained locally to drive EPA vessels and expected to achieve a certificate of competence within 18 months.
- 3.19.8 There will be induction training for all staff prior to commencing their duties, in line with the requirements of the PMSC and role profiles.
- 3.19.9 The importance of 'on the job' training in the workplace should not be underestimated as it forms an invaluable part of the overall training requirement. The need for continuation training is reviewed using the competence matrix ensuring the appropriate focus is given to in house training.
- 3.20 **Team Briefings** - Regular team briefs are held to ensure good communications in adhering to the SMS. Toolbox briefings are informal and held when appropriate.
- 3.21 **Consultation** - Consultation with harbour users continues through public meetings and through stakeholder group meetings. Feedback from these groups is presented to the Harbour Board who report directly to the Duty Holder via the Chair.
- 3.22 Consultation is a continuous and wide-ranging process. It includes regular meetings with the South West Regional Ports Association (SWPRA), British Ports Association (BPA), UK Harbour Masters Association (UKHMA), Marine Management Organisation

(MMO), East Devon Area of Outstanding Natural Beauty (AONB), the Maritime and Coastguard Agency (MCA), Exe Estuary Management Partnership (EEMP) and the Exeter Port User Group (EPUG).

## MANAGING RISK- PERSONNEL, PROPERTY, PLANT AND PORT

- 4.1 **Risk Assessment** - It is the policy of Exeter Port Authority to have powers, policies, plans and procedures based upon a formal assessment of hazards and risks, and to have a formal SMS.  
The SMS shall be in place to ensure that all risks are controlled – the more severe risks must either be eliminated or kept “as low as reasonably practicable” (ALARP).
- 4.2 **Detailed Risk Assessments** - The activities and the responsibilities of Exeter Port Authority are covered in specified areas, for each of which there is a detailed risk assessment. There are two forms of risk assessment conducted by EPA. Firstly, those required by the Health and Safety at Work Act 1974 (HSWA). Secondly, risk assessments carried out on activities undertaken by the general public in the river and canal (Navigational Risk Assessments).
- 4.3 **Risk Assessments** - Each Risk Assessment(RA) will assess the hazards associated with a specific activity using the traffic light system. If an RA identifies excessive risk, the task would not normally be undertaken. These comprehensive risk assessments will be reviewed routinely and as a minimum on an annual basis. The RA will be signed by the appropriate manager and the HM and will:
- 4.3.1 Identify hazards and analyse risks
  - 4.3.2 Assess these risks against the appropriate standard of acceptability
  - 4.3.3 Where appropriate, consider a cost-benefit assessment of risk reducing measures.
  - 4.3.4 Hazard scores are arrived at by scoring the likelihood and severity of any hazard (1-5). The two scores are multiplied together to give the hazard score.
- 4.4 **Significant Risks** - Significant risks that are identified by those activities that attract a hazard score of 12 or more for HSWA Risk. These risks must be mitigated by the implementation of specific control measures, otherwise the activity will not be permitted. If for any reason the SMS identifies a control measure that is not effective the activity is to cease until suitable control measures are in place and the risk mitigated to a score as low as reasonably practicable.
- 4.5 **HSWA Risk Controls** - The safety controls for the risks identified are to be reviewed and amended where necessary in order to:
- 4.5.1 Identify the greatest risks.

- 4.5.2 Set a hierarchy of risk control principles.
  - 4.5.3 Eliminate risks by avoiding a hazardous procedure or substituting a less dangerous one.
  - 4.5.4 Combat risks by taking protective measures to prevent risk.
  - 4.5.5 Minimise risks by suitable systems of working.
- 4.7 **Continuous Improvements** - Notwithstanding the scores or assessments arrived at in the risk assessment process, Exeter Port Authority strives to make continuous improvements. Based upon the risk assessment scores, the priorities identified by the Duty Holder will be reviewed along with refinement of the strategic plan. Analysis should feed development of the Waterways budget for the next year and the overhead for a long-term capital build programme. Objectives for the year are normally set at the time of budgeting to ensure that resource is allocated as appropriate.

## NAVIGATION, PILOTAGE AND MARINE SERVICES

- 5.1 **Hydrography** – EPA relationship with the UKHO is in line with the Code of Practice for the provision of Hydrographic Information.
- 5.1.1 Hydrographic records of dredged and naturally occurring channels in the harbour are maintained by EPA.
  - 5.1.2 The UK Hydrographic Office (UKHO) receives all Hydrographic information and Local Notices to Mariners (LNTM) produced by EPA.
  - 5.1.3 Any data on new dredging works convened by EPA will be forwarded to UKHO once the dredging work is complete.
- 5.2 **Works and Dredging Licences** - The harbour has regulations and conditions for the issue and control of works licences. Dredging will not normally be carried out by bodies other than by EPA or its contractors. Exeter Port Authority is also a statutory consultee of the Marine Management Organisation which is the government appointed agency for the licensing, regulation and planning of marine activities in the seas around the UK.
- 5.2.1 **Buoys and Navigation Aids** - Exeter Port Authority has a comprehensive, well-maintained system of aids to navigation, installed in consultation with Trinity House. The routine inspection and maintenance regime are laid down and records are maintained electronically. Exeter Port Authority use PANAR (Trinity House) web-based app for reporting casualties.

- 5.3 **Anchorage** – Vessels requiring anchorage should contact a member of harbour staff for direction.
- 5.4 **Prevailing Conditions** - The Meteorological Office’s inshore waters, shipping forecasts are displayed at the Exmouth marina office and updated daily. Information is readily available in the media and on the internet.
- 5.5 **Management of Navigation** - Policy for Management of Navigation.
- 5.5.1 Exeter Port Authority has rules in its Byelaws which every river user must adhere to.
- 5.5.2 Exeter Port Authority recognises its duty to make proper use of powers to make byelaws.
- 5.5.3 These powers shall be exercised in support of the policies and procedures developed in the EPA SMS.
- 5.5.4 Port Passage Guidance - There is no standing requirement for any vessel within Exeter Port Authority harbour limits to file a port passage plan.
- 5.5.5 Patrols - The Harbour maintains a comprehensive patrol presence in the harbour to enforce byelaws.
- 5.5.6 Byelaws - The Port of Exeter has byelaws, revised in 1976, that provide control measures to manage the hazards identified in the risk assessments.
- 5.5.7 Events - An event notification system is available through the [Exeter City Council website](#).
- 5.7 **Pilotage - Exeter Port Authority limits are a compulsory Pilotage District** as laid down by Section 1 of the Pilotage Act 1987 defining Exeter Port Authority as a Competent Harbour Authority (CHA). Vessels over 20m length overall or with a draft of over 2.5 metres are required to take a pilot. The pilotage service is currently under review. No pilotage is offered at this time.
- 5.8 **Marine Services** - Policy for Marine Services.
- 5.8.1 EPA’s Safety Management System shall cover the use of harbour craft and the provision of moorings servicing.
- 5.8.2 EPA shall ensure that all EPA vessels or craft which are used in the harbour are fit for purpose, and that crew are appropriately trained and qualified for the tasks they are likely to perform.

## 5.9 Marine Services Organisation and Management Responsibility

- 5.9.1 Craft Regulation - MCA Certification is required for commercial vessels, including trip boats, venturing outside the 'harbour' (category C waters). Passenger vessels, including ferry boats (under 12 passengers) require a licence to operate (issued by ECC). Vessels and skippers of chartered boats venturing outside harbour limits are regulated according to MCA codes of practice. Ferries, trip boats and taxis carrying no more than 12 people must have an ECC boat licence and skippers must be MCA / RYA compliant or locally endorsed by the HM. Those vessels carrying more than 12 persons must have MCA certification.
- 5.10.1 Towage – Those staff who are required to conduct towing duties are to be fully conversant with the appropriate vessel and towing Risk Assessments. Third parties are advised to fully assess the risks and if appropriate ,conduct any towage in a safe manner.
- 5.10.2 Workboats - There are procedures for the safe operation of EPA harbour launches based on the Risk Assessments. It is a recommended that any other commercial vessels working within the harbour should comply with MGN 664 (M).
- 5.10.3 Commercial Diving – Any commercial diving should adhere to the HSE Diving at Work Regulations.
- 5.10.4 Dredging - Dredging is only to be carried out by contractors approved by the Harbour Master. The requirements to dredge will involve a decision by the Board and consultation with the MMO for approval for dredge and disposal of waste and where appropriate, consultation with the MCA and Environment Agency. EPA is permitted to carry out maintenance dredging.
- 5.10.5 Salvage - Only suitably experienced EPA staff are permitted to take part in a salvage operation, and strictly only under the direction of the Harbour Master. Contractors should keep HM fully informed of all proposed operations.

## EFFECTIVENESS, REPORTING AND INCIDENT MANAGEMENT

- 6.1 **Recording Accidents and Incidents** – Any incident or accident which is reported to EPA is recorded on the incident log online. People are able to report by email, phone, an online form or in person. Any follow up action that may be required is recorded. Written complaints and replies are held on file. The Harbour Master reviews the incident log routinely.
- 6.2 **Guidance on the reporting of Incidents** - The contents of the SMS are devoted to prevention of incidents in the first place, but this does not mean they will not

happen – it would be unreasonable to expect this. In the event of an incident occurring, staff becoming aware of the incident will take the following actions:

- 6.2.1 Capture as many details of the incident as possible, on paper or other recordable means.
- 6.2.2 Report the incident to the Harbour Master if necessary.
- 6.2.3 Where the incident involves the HM it will be appropriate for the Head of Service to seek guidance on the need to involve external input to any investigation. Where possible advice and input should be independent and from suitably qualified and experienced people.

**6.3 Guidance on the Handling of Incidents-** The Harbour Master will decide on whether to informally investigate the incident, or whether to use the HSE RIDDOR Guide for formal incident reporting. The decision will also be taken as to whether to alert other authorities, such as Devon and Cornwall Police, or the Maritime and Coastguard Agency (MCA).

**Procedure for Reviews** - The Harbour Master will include both in his staff meetings and in board meetings a review of any accidents, incidents or near misses with a focus on identifying and learning lessons. Incidents are standard agenda items on the operational report to Board meetings. Investigations by the Harbour Master of marine incidents have two essential purposes:

- 6.3.1 To determine the cause of the incident, with a view to preventing a recurrence of that incident.
  - 6.3.2 To determine if an offence has been committed. If this is the case then there may be the need for EPA to consider a prosecution. There is potential in some cases for prosecution through another authority such as the police or the MCA.
- 6.4 By ensuring that a robust, rigorous, independent investigation has been carried out, the EPA can be assured that their obligations for compliance have been addressed. EPA will make any necessary byelaw enforcement decisions based on the severity of infringement taking into account any previous record of infringement by those involved. The EPA enforcement gives full guidance on this matter. \*\*\*\*LINK WHEN AVAILABLE\*\*\*\*\*
- 6.5 Any conclusions from investigations or lessons learned will be recorded along with any measures being taken to prevent recurrence. If appropriate a more detailed report will be submitted to Duty Holder, the MAIB and to any other appropriate authorities by the quickest means possible. Where necessary the MCA may undertake a verification visit. These verification visits are usually arranged following an MAIB investigation into an incident but could also be triggered by other indicators of non-compliance.

- 6.6 **Performance Indicators** – the Harbour Master will work with the Duty Holder, with advice from the designated person, to set a relevant and realistic set of performance indicators. Those indicators will drive the day-to-day operations of staff.

## AUDIT AND REVIEW

- 7.1 General - EPA will monitor, review and audit the MSMS annually. Performance of the system will be assessed against internal performance indicators and, where appropriate, by benchmarking against other ports that have adopted good practice. The review will be as follows:
- 7.1.1 The Harbour Master will conduct periodic internal checks.
  - 7.1.2 Annual external Audit by Designated Person.
- 7.2 **Regular Review** - The Assessnet system in ECC requires regular updates and includes a review of the risk assessment register to check that all RA's are in date or being reviewed. HM periodically check the incident log (normally weekly in summer and monthly during the winter). The log is normally reviewed before management meetings to make sure that any outstanding actions are discussed in the meeting. The board is informed of safety related issues in quarterly updates at their board meetings by the Harbour Master's operational report and by additional board reports where there is anything significant to report.
- 7.3 **DP External Audit** – An annual audit is conducted by the DP. The output of these is reported in the operational section of the board report supported by any MCA/DP formal reports. The DP will also report directly to the board as required for non-routine activities and will report to them with a summary of the annual audit.
- 7.4 **Annual Review and Report** - An audit of the SMS will be conducted each year by the DP. This will be reported to the board each year along with recommendations on work that is required to improve safety, compliance with the PMSC and to address shortcomings. Notwithstanding this report, the system will be kept under continuous appraisal and immediate action taken where necessary. There will be an overview of accidents and failures during the year and this will be included in the annual report at the end of each year.
- 7.5 **PMSC Compliance and Reporting** - The Duty Holder will report PMSC compliance to the MCA every 3 years in accordance with section 2.30 of the PMSC.
- 7.6 **Records** – Exeter Port Authority will maintain records with due diligence. This Safety Management System is in itself clear evidence of care and commitment. The risk assessments provide considerable further examples of how the safety policy has been put into practice.

\*\*\*\*\*REVIEW BELOW\*\*\*\*\*

7.7 **Publication of Plans and Records** - The Annual report will be published every year and will include a section on safety objectives and performance to demonstrate EPA's commitment to maritime safety and ensure the involvement of harbour users. It will be referred to at the annual meeting open to the press and public. The plan will illustrate how the policies and procedures will be developed to satisfy the requirements under the Code. The annual report and annual meeting will outline EPA intentions for the following year including any commitment to undertake and regulate marine operations in a way that safeguards EPA, its users, the public and the environment. It will refer to commercial activities in the harbour, the efficient provision of specified services and the effective regulation of vessels. The report will also include an assessment by EPAB, as Duty Holder of the EPA performance against objectives including safety. Information gathered from the monitoring and auditing of the SMS will be used to support the analysis and conclusions.

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