**SAFETY MANAGEMENT SYSTEM**

Port Marine Safety Code Statement of Compliance



**PURPOSE**

To demonstrate that the River Yealm Harbour Authority (RYHA) has discharged its statutory obligations for the stewardship of finances and resources required to safely operate, maintain and deliver the infrastructure and services of its undertakings on the River Yealm.

**KEY OBLIGATIONS AND RESPONSIBLITITES**

•  To ensure, as far as is reasonably practicable, the safety of all harbour users.

•  To undertake and regulate marine operations in a way that, as far as is reasonably practicable, safeguards the harbour, its users, the public and the environment.

•  To promote and conserve a safety culture within the Harbour environment.

•  Provide adequate resources to successfully discharge the RYHAs obligations under the Port Marine Safety Code (PMSC).

•  Ensure that procedures are in place for the effective maintenance, operation, improvement or conservancy of the Harbour.

•  To prevent injury or loss caused by the Authority’s’ negligence.

•  To manage the relevant assets of the Authority safely and efficiently.

•  To discharge the duties and powers described in the PMSC.

SIGNATURES OF COMPLIANCE

We the undersigned, are satisfied that to the best of our knowledge, the effectiveness of the governance and managerial framework procedures and its system of control are in place and being adhered to.

(Authority Chairman) ……………………………………..

(Authority Vice Chairman) ……………………………………..

**DOCUMENT CHANGE CONTROL**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Section** | **Change** | **Initials** |
| September 2021 | all | Various typo corrections and formatting changes | MB |
| 29 September 2021 | SMS P5 | Updated Staff list | MB |
| 30 September 2021 | Nav Plan 8.1.2 | Clarify that 0.9m LAT is along leading line in Cellar Bay | MB |
| 30 September 2021 | Training log 8.1.10 | Updated with new AHM and DHM and training elements completed | MB |
| October | 8.1.16 | Manual handling assessments added | MB |
| October | 8.1.12 | Text changes directed by RYM | MB |
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**RIVER YEALM HARBOUR AUTHORITY – SAFETY MANAGEMENT SYSTEM**

**IN COMPLIANCE WITH THE PORT MARINE SAFETY CODE (PMSC) INDEX**

The River Yealm Harbour Authority (RYHA) is responsible for policy. The Harbour Master, along with the Deputy and Assistants manage the River Yealm Harbour according to the Harbour Revision Order 1981, Byelaws, standing orders, policies and regulations and enforce them as required. The Office Manager is responsible for the day-to-day operation of the Harbour Office. Together the staff implement the policy.

**Contents**

1. RYHA Statement by Duty Holders
2. RYHA Safety Policy
3. Management of the RYHA Safety Management System
4. Management of Risk – Personnel, Property, Harbour
5. Navigation, Pilotage and Marine Services
6. Incident Management
7. Audit and Review
8. Annexes to the Safety Management System

**1. PORT MARINE SAFETY CODE – STATEMENT BY DUTY HOLDER**

1.1 As recommended by the Port Marine Safety Code (PMSC) The River Yealm Harbour Authority (RYHA) members take on the role of Duty Holder as set out in paragraphs 1.6 of the PMSC. The Duty Holder’s responsibility is to ensure there is a framework for the safe marine operations in the harbour, its approaches and compliance with the Port Marine Safety Code.

1.2 Principal roles include:

* Maintaining strategic overview and direction of all aspects for the safe operation of the Harbour.
* Responsibility for the development of policies, plans, systems and procedures.
* Ensure that assessments and reviews are undertaken as required to maintain and improve marine safety.
* Ensure that the Harbour Authority seeks and adopts appropriate powers for the effective enforcement of their regulations and for setting dues at a level which adequately funds the discharge of all duties.

Enforcement is based on maritime and civil legislation which includes amongst others but is not limited to:

* The Harbours, Docks & Piers act 1847.
* Harbours act 1964.
* Health and Safety at Work act 1974.
* Police & Criminal Evidence act 1984.
* The Merchant Shipping act 1995.
* Railways & Transport Safety act 2003.
* General Data Protection Regulation act 2018.
* International Regulations for Preventing Collisions at Sea (COLREGS).
* Yealm Harbour Revision Order 1981

1.3 The RYHA members 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 enough experience for the role.

1.4 The Duty Holder is to be familiar with the content of the Port Marine Safety Code and is aware of their responsibility in responding to it. The RYHA has a safety management system which is implemented in response to the code.

1.5 In discharging the role of Duty Holder, the RYHA Members are required to acknowledge their role, by signing a declaration, and are aware that their Duty Holder responsibility remains one of the primary functions of the Committee which is reviewed regularly and audited annually.

**River Yealm Harbour Authority Members**

Mr. D. Crawley (Chairman) RYA

Mr. R Carter (Vice Chairman) Newton and Noss Parish Representative

Mr. D Drought Wembury Parish Representative

Mr. J Endicott Yealmpton Parish Representative

Mr. M Oates Brixton Parish Representative

Mr. P Hinchliffe Newton and Noss Parish Representative

Mr M Steggles Newton and Noss Parish Representative

Mr S Maltby Mooring Holder Representative

Mr M Matthews Mooring Holder Representative

N Tewson Mooring Holder Representative

Vacant South Hams District Council

**Employees**

Mark Beighton Harbour Master

Jez Spring Deputy Harbour Master

Richard Endicott Harbour Assistant

Alasdair Finlayson Harbour Assistant

Chris Cleaves Harbour Assistant

Andrew Hudson Harbour Assistant

Steve Maltby Harbour Assistant

Sarah Taylor Harbour Assistant

Helen Phillips Office Manager

**River Yealm Harbour Authority Duty Holder declaration**

As required by Standing Order 63 of the River Yealm Harbour Authority’s Standing Orders, I accept office as a Member of the River Yealm Harbour Authority with effect from

I understand that, whilst I am a Member of the River Yealm Harbour Authority, I (together with the other Members from time to time) will undertake the role of Duty Holder for the purposes of the Port Marine Safety Code (paragraph 1.6). I also understand that this means I am individually and collectively accountable for compliance with that Code and the River Yealm Harbour Authority’s performance, which will be reviewed and audited regularly, in ensuring safe marine operations in the Yealm Harbour and its approaches.

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| --- | --- | --- | --- |
| Name | Representing | Signature | Date |
| Mr D Crawley | RYA  |  |  |

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| --- | --- | --- | --- |
| Name | Representing | Signature | Date |
| Mr S Maltby | Mooring Holder |  |  |

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| Name | Representing | Signature | Date |
| Mr. R Carter  | Newton &Noss Parish Council |  |  |

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| --- | --- | --- | --- |
| Name | Representing | Signature | Date |
| Mr A Matthews | Mooring Holder |  |  |

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| Name | Representing | Signature | Date |
| Mr. D Drought  | Wembury Parish Council |  |  |

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| Name | Representing | Signature | Date |
| Mr. P.Hinchliffe  | Newton & Noss Parish Council |  |  |

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| Name | Representing | Signature | Date |
| Nicky Tewson | Mooring Holder |  |  |

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| Name | Representing | Signature | Date |
| Mr. J Endicott  | Yealmpton Parish Council |  |  |

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| Name | Representing | Signature | Date |
| Mr. M Steggles | Newton & Noss Parish Council |  |  |

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| Name | Representing | Signature | Date |
| Mr. M Oates  | Brixton Parish Council |  |  |

**2.0 RYHA SAFETY POLICY**

2.1 The River Yealm Harbour Authority (RYHA) is committed to running the Harbour in accordance with the Harbour Revision Order 1981, Byelaws, standing orders, policies and regulations.

2.2 The RYHA members are the nominated “duty holder” under the Port Marine Safety Code (PMSC) and are committed to meeting all legal requirements, complying with the PMSC and ensuring that adequate resources are available to discharge its navigational safety obligations.

2.3 The RYHA has directed that the Safety Management System is to be structured, enforceable and auditable.

2.4 The RYHA is committed to running a safe, efficient, and welcoming harbour that caters for the needs of the local communities, visitors and the environment. The RYHA will endeavour to provide a safe harbour within the limits of their jurisdiction, which is open to the public mainly for leisure activities. It will enhance the safety of the harbour by exercising statutory conservancy functions. It will regulate the use of the harbour by maintaining appropriate byelaws and ensuring that these and other statutory regulations are enforced. The RYHA will ensure such marine services are as required for the safe use of the harbour and are maintained and operated correctly. The RYHA will ensure that current plans are available to deal with emergency situations and that the local resources required to implement these plans are maintained.

2.5 The policy incorporates input from the Committee, staff and harbour users as high standards of safety can only be achieved through dialogue and co-operation. The RYHA will endeavour to identify, quantify and manage the significant marine risks associated with the harbour. This will help 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 avoid failure in discharging duties or risk exceeding set limits. Plans and reports shall also be published as a means of improving the transparency and accountability of the RYHA, as well as providing reassurance to the users of the Harbour. The RYHA shall consider accidents, events and incidents to identify the potential dangers and the means of avoiding them.

2.6 The RYHA will undertake to:

2.6.1 Monitor and maintain lights and marks used for navigation within their jurisdiction.

2.6.2 Provide advice to leisure craft users of the suitability of their craft entering and staying within the RYHA jurisdiction.

2.6.3 Have an effective system for issuing navigation warnings affecting the harbour.

2.6.4 Consider the effect of weather on harbour safety and issue advice as required.

2.6.5 Carry out all its functions with special regard to the possible environmental impact, protecting the unique character of the River Yealm.

2.6.6 Consider the effect on the harbour of any proposed changes in use or harbour works.

2.6.7 Maintain an up-to-date set of byelaws and enforce them to effectively regulate harbour use.

2.6.8 Enforce all relevant statutory harbour legislation, health and safety regulations, the Merchant Shipping Act and Harbour Byelaws as necessary.

2.6.9 License and manage all moorings (except Kitley Estate) and designate suitable anchorages within harbour limits.

2.6.10 Provide suitable resources to deliver effective marine services such as the provision of harbour patrol craft.

2.6.11 Safely and efficiently operate the harbour equipment harbour vessels, moorings, pontoons.

2.6.12 Ensure that suitable plans for emergency situations are maintained and regularly updated.

2.6.13 Keep duties and powers under review.

2.6.14 Seek feedback from visitors and residents.

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

2.6.16 Be audited on an annual basis

**Conservancy**

2.7 The RYHA recognises its duty as a Competent Harbour Authority to conserve the harbour so that it is fit for use, and a duty of care to see that the harbour is in a fit condition for vessels to use it.

**3.0 Management of the Harbour Safety Management System (SMS).**

3.1 **Accountability and Responsibility**

The River Yealm Harbour Authority (RYHA) members set the policy and strategy, and as such are collectively Duty Holders. They are collectively and individually responsible for their commitment to the Safety Management System; and that they cannot delegate or assign their accountability for compliance on the grounds that they do not have skills in this area.

The Harbour Master and staff provide the means of implementing the policies.

3.2 Decisions taken or policy set must consider any issues related to harbour safety. Such policies and decisions are to be recorded in the regular RYHA meetings. The RYHA are responsible for deciding where risks are to be insured and if necessary, disclaimers issued, and notices displayed.

The safety policy and the RYHA Safety Management System is supported by policies, procedural and operational documents by which the Authority ensures compliance with the Port Marine Safety Code.

Owing to the broad reaching requirements of the Code and the need to ensure documentation is refreshed when required and can be readily referenced by staff and general public the documentation is maintained in accordance with the Authority’s Data Management Policy.

The Safety Management System provides many of the links to enable access to the key files and documents. Other key supporting files may be posted on the RYHA Website

3.3 RYHA legislation is complemented by the Authority Regulations Issue 5, derived from the Yealm Harbour Revision Order 1981.They aim to discharge the roles and statutory duties which are placed on the RYHA by the Harbours, Docks and Piers Clauses Act (1847)

3.4 As part of the 1978 byelaws (updated by the Harbour Revision Order), the RYHA was constituted, which is the overarching decision-making Authority for the Harbour.

3.5 Additionally, the 1964 Harbours Act provides for the operation to be self-financing with the Authority able to fix its own rates in order to pay for the work to be done.

3.6 The Designated Personprovides 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 in ensuring compliance with the PMSC.

3.7 The Harbour Master is responsible for the preparation of Port Security plans where they have been identified as being needed. The harbour master has a responsibility for the safety of the employees and river users.

3.8 Reporting of accidents or near misses - all accidents, incidents and near misses should be reported to the Harbour Master or the Harbour Office. The reports will be used to help assess the effectiveness of the SMS. Any incident reported in any form should be recorded in the incident log along with any supporting documents.

3.9 Competence Standards– The RYHA will, where necessary, assess the competence of all persons appointed to work for the RYHA. Employees of the RYHA are recruited on their suitability to carry out their role as described in the job descriptions. The Harbour Master and Office Manager are appraised annually, when their job description, performance and training requirements are reviewed. Confidential personnel files are held in the harbour office.

3.10 Consultationis a continuous and wide-ranging process. It includes meetings with the South West Regional Ports Association (SWRPA), Marine Management Organisation (MMO), Yealm Estuary Management Group, National Trust, Crown Estates & the Maritime and Coastguard Agency (MCA).

3.11 Environment– The RYHA recognises its duty regarding nature conservation and other related environmental considerations.

**4.0 Managing Risk – Personnel, Property and Harbour.**

4.1 Risk Assessment- It is the policy of the River Yealm Harbour Authority (RYHA) to have a formal SMS to ensure that identified risks are understood. Identified high risks must either be eliminated or kept “as low as reasonably practicable” (ALARP) by implementing policies, plans, procedures and control measures.

4.2 Continuous Improvements– The RYHA strives to make continuous improvements based upon the risk assessments. The priorities identified by the RYHA will be reviewed along with the strategic plan.

4.3 Risk assessments – activities for which the RYHA is responsible for have been identified and ranked according to severity. Specific control measures, policies and procedures should be used to reduce the severity of the activity. If the severity of the risk cannot be quickly or easily be reduced to a score equal to or lower than 12, as shown on the risk assessment matrix, the RYHA should consider suspending the activity until the level of risk can be reduced.

**5.0 Navigation and Marine Services**

5.1 Hydrography– The River Yealm Harbour Authority (RYHA) relationship with UK Hydrographic Office is in line with the Code of Practice for the provision of Hydrographic Information.

5.2. Buoyage and Navigation Aids– The RYHA has a system of aids to navigation (AtoN). Routine inspection and maintenance regimes are laid down and records are maintained. The RYHA use the Trinity House web-based system for reporting casualties (PANAR). Trinity House inspect the AtoN annually and audit the management process.

5.3 Anchorages– Anchoring is not permitted within the harbour East & North of Misery Point including the Kitley estate. The details are contained within the Authority Regulations, web site and the annual publication of the Harbour Guide.

5.4 Prevailing Conditions- The Meteorological Office’s 0700 inshore waters forecast is displayed at the harbour office daily from April 1st to October 31st.

5.5 **Management of Navigation**

5.5.1 The RYHA has rules in its Byelaws which every river user must adhere to as a condition of his or her right to use the harbour. The byelaws provide control measures to manage hazards identified in the risk assessments.

5.5.2 The RYHA recognises its duty to make proper use of powers to make byelaws, and to regulate all vessel movements in its waters.

5.5.3 These powers shall be exercised in support of the policies and procedures developed in the RYHA Safety Management System (SMS) and should be used to manage the navigation of all vessels.

5.5.4 Patrols - The Harbour Master maintains a daily patrol presence on the River from 1st April to 31st October to ensure the safe operation of the harbour. There is a 24-hour assistance system in operation during this time.

5.5.6 Events - The Harbour Master works closely with the Yealm Yacht Club and other organisations who use the estuary. Special arrangements are made to promote the safety of the events they run.

5.5.7 Moorings - The RYHA ensures resident moorings are maintained through implementing paragraph 4 of the authority’s regulations which requires each mooring holder to ensure and confirm that their mooring(s) and outhauls are fit for purpose through an annual inspection. Moorings and pontoons owned by the RYHA are inspected and maintained on an annual basis by a mooring contractor.

5.6 **Marine Services**

5.6.1 The RYHA’s SMS shall cover the use of harbour craft and ensure that the craft are fit for purpose and any operator of the craft is able to carry out the task involved.

5.6.2 The Authority is not a competent harbor authority for the purposes of the 1987 Pilotage Act and as such does not provide a pilotage service. The nearest service being from Plymouth from the Cattewater Harbour Commissioners (CHC)

5.6.3 There are no commercial tugs available from the River Yealm, the nearest location would be Plymouth from the CHC.

5.7 **Marine Services Organisation and Management Responsibility**

5.7.1 Towage – Those staff who are required to supervise towing of small craft within the harbour are to be fully conversant with the vessel and towing risk assessments.

5.7.2 Diving

Commercial diving: Anyone wishing to carry out diving operations for financial gain within the RYHA area of jurisdiction should contact the Harbour Office to confirm the date, time, duration and nature of diving operations and ascertain if anything is happening in the harbour which would preclude the dive from taking place. Permits will be valid for up to 12 hours.

Method statements and risk assessments may be required or a written statement from the operator that the operation will be carried out with due regard to the requirement of the relevant legislation e.g. but not limited to H&S at work act. Diving Regulations.

Non-Commercial diving: Anyone carrying out diving operations for their own benefit or non-commercial gain should inform the harbour office to confirm date, time nature of the operation, duration and ascertain if anything is happening in the harbour which would preclude the dive from taking place.

**6.0 INCIDENT MANAGEMENT**

**6.1. Accident and Incident reporting**

The River Yealm Harbour Authority (RYHA) has in place an Accident and Incident reporting system. All accidents, incidents, hazardous occurrences, vessel defects or notable events should be notified to the Harbour Master or the Harbour Office.

These reports are logged in hard copy along with any supporting evidence or photographs and followed up by the Harbour Master if necessary.

Following an incident review, any remedial actions identified or recommended, will be presented to the RYHA and implemented if agreed and recorded on the form.

Reporting incidents is actively encouraged in order to meet RYHA’s objective of continuously improving safety. This process will help in the development of policies and procedures to prevent or minimise the possibility of a recurrence

Accident analysis will form part of the audits of the Safety Management System

**6.2 Incident/Accident Reporting Procedure to external authorities.**

 Some accidents must be reported to the enforcement authorities they include:

* A death
* Any type of injury, dangerous occurrence or disease that is specified by law
* An injury resulting in absence from work for more than seven working days
* A member of the public requiring immediate hospital treatment where the injured is still at the scene of the accident.

More information on what is reportable can be found at the HSE page for reportable incidents <https://www.hse.gov.uk/riddor/reportable-incidents.htm>

An HSE incident report form can be found at [www.hse.gov.uk/forms/incident/f2508](http://www.hse.gov.uk/forms/incident/f2508)

To fulfil its primary role of improving safety of life at sea, it is essential that the MAIB investigates accidents immediately, before vital evidence decays, is removed or is lost.
To enable this the law requires that accidents, including major injuries, be reported by the quickest means possible and the MAIB has a dedicated reporting line for this purpose – 023 8023 2527. This line is manned 24 hours a day.

Email maib@dft.gov.uk
RIDDOR reporting telephone number 0345 300 9923
Marine Accident Investigation Branch 023 8023 2527

HSE Plymouth 0300 003 1747

**7.0 AUDIT AND REVIEW**

7.1 General – The River Yealm Harbour Authority (RYHA) will monitor, review and audit the Safety Management System (SMS) on a regular basis:

7.2 Weekly, monthly, and annual checks– Weekly, monthly and annual checks of safety and operational related issues are carried out according to the schedule. Safety related issues raised at RYHA meetings are reviewed and reported on at the next appropriate meeting and if necessary, the schedule is amended.

7.3 Designated Person (DP) Audit –The DP conducts a health check and a safety audit each year. The output of these is reported to the RYHA by the DP at the following RYHA meeting.

7.4 Annual Review and Report- An audit of the SMS will be conducted each year by the DP. Any comments or recommendations will be reported to the RYHA. Notwithstanding this report, if the system is found to need amending this will be brought to the attention of the RYHA for approval to amend the SMS.

7.5 Port Marine Safety Code (PMSC) Compliance and Reporting- The Duty Holder (DH) will report PMSC compliance to the Maritime and Coastguard Agency every 3 years in accordance with section 2.30 of the PMSC.

7.6 Publication of Plans and Records- The safety plan for marine operations will be available to view on the RYHA web site. Some sections may be deemed to be sensitive and therefore not published. The plan will help endorse the RYHAs commitment to maritime safety, openness and compliance with the PMSC.

The RYHA, as DH, will also publish an assessment of performance against the plan. Information gathered from the monitoring and auditing of the SMS will be used to support the analysis and conclusions and inform the need for any updates. This will be carried out at a frequency of no greater than every three years.

**8 Annexes to the Safety Management System**

8.1.1Waste Management Plan

8.1.2 Navigation Plan

8.1.3 Enforcement Policy

8.1.4 Harbour Emergency Plan & Contacts

8.1.5 Dive Permit

8.1.6 Annual, Monthly, Weekly Checks

8.1.7 Oil Spill Contingency

8.1.8 Port Marine Safety Plan

8.1.9 Incident Report Form

8.1.10 Training log

8.1.11 Complaints

8.1.12 Yealm Mooring Services Specification

8.1.13 Customer Feedback Form

8.1.14 Aggressive behaviour policy

8.1.15 Environment policy

8.1.16 Manual Handling