

# THE NEWPORT HARBOUR COMMISSIONERS



## SAFETY MANAGEMENT SYSTEM

November 2009

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### Introduction

Harbour Authorities have a statutory duty to manage safety, under health and safety regulations. The Port Marine Safety Code (PMSC) sets out how the principles apply to marine operations. The particular risks associated with these operations bring their own safety management requirements, based on an appropriate assessment of port marine activities. The principles and objectives, however, are not fundamentally different.

The aim of this safety management system is to minimise risks. Risk assessment methods are used to decide on priorities and to set objectives for eliminating hazards and reducing risks. Wherever possible, risks are eliminated through selection and design of facilities, equipment and procedures. If risks cannot be eliminated, they are minimised by physical controls, or as a last resort, through systems of work.

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1. The safety policy.
  2. Accountability for Marine Safety.
  3. Standards.
  4. Measuring, auditing and reviewing performance.
  5. The Risk Assessment, - recommendations and actions.
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## 1. The Safety Policy

The following extract is taken from Part II, section 6 of The Newport Harbour Commissioners (NHC) "Strategy, Management and Policy Document" (SMPD), (revised October 2009).

### 6. SAFETY

#### A. General

6.1 Following publication of the Marine Accident Investigation Branch (MAIB) report on the **SEA EMPRESS**, and comments made therein on pilotage, the Government (Department for Transport) proposed that a Port Marine Safety Code (PMSC) should be developed to cover all port safety functions and not be limited solely to Pilotage.

6.2.1 The Newport Harbour Commissioners recognise and accept that in carrying out their statutory duties and responsibilities, safety must be of paramount importance. The Commissioners aim to minimise the risk of accidents to vessels navigating within the Newport Harbour so far as is reasonably practicable.

6.3 Safety considerations are extensive and include :-

- i) conservancy of the harbour, including the marking and maintenance of navigable channels within the NHC area of jurisdiction;
- ii) the regulation of harbour activities having due regard for national legislation (relating to harbours and shipping), and Newport Harbour Byelaws;
- iii) the provision of pilotage services;
- v) the emergency plans dealt with at paragraph 9.10 Part III Marine Environment.

#### B. Risk Assessment and Safety Management

6.4 The PMSC requires Harbour Authorities to apply well-developed principles of formal risk assessment and safety management systems following these general principles:-

- i) Every harbour authority has a duty to manage safety and should have a safety management system for marine operations in its waters, developed after a formal risk assessment;
- ii) The safety management system should be described in a published document, setting out the authority's policies and procedures relating to the regulation of marine operations;
- iii) Every harbour authority's statutory powers to regulate marine operations should be exercised in accordance with the harbour authority's safety management system;

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- iv) The safety management system should include verification and audit procedures;
- v) The safety management system should deal with preparedness for emergencies.

6.5.1 Newport Harbour Commissioners have carried out a Risk Assessment to identify marine hazards and risks, and the means of eliminating or controlling them. This exercise was conducted in accordance with the guidance given in the PMSC.

### **Safety Policy 1**

The Newport Harbour Commissioners will manage safety and will maintain a safety management system for marine operations in their waters, developed after formal risk assessment.

As the Statutory Harbour Authority, NHC policies will support procedures to :-

- i) regulate the safe arrival, departure and movement within the harbour of all vessels;
- ii) protect the general public from dangers arising from marine activities within the harbour;
- iii) carry out all its functions with special regard to their possible environmental impact;
- iv) prevent acts or omissions that may cause personal injury to employees or others, or damage to the environment.

### **Safety Policy 2**

The Newport Harbour Commissioners will ensure that safety implications are taken into account in all aspects of their work.

### **C. Health and Safety at Work**

- 6.6 Harbour Authorities (HA's) have a duty under the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the safety at work of their employees and other persons who may be affected by their activities.
- 6.7 Newport Harbour Commissioners are committed to making provision for the health and safety of their employees (including those for whom they are responsible).
- 6.8.1 All employees are reminded that each of them must accept their respective degrees of responsibility for health and safety in their own work place.

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### **Safety Policy 3**

Newport Harbour Commissioners will, in relation to health and safety,

- i) comply with their statutory duties;
- ii) ensure that their employees are provided with
  - a safe and secure place of work,
  - a safe system of work,
  - safe and suitable equipment with which to undertake their work,
  - support and training;
- iii) ensure that contractors and suppliers have health and safety policies relevant to the nature of the work being undertaken;
- iv) require all accidents to employees arising during the course of their duties to be logged in an accident book;
- v) investigate all accidents to their employees which arise during the course of their duties and initiate any new procedures necessary to prevent a recurrence;
- vi) arrange for their health and safety policy to be continuously monitored, and reviewed at intervals of not more than one year.

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## **2. Accountability for Marine Safety** (refer to organisation structure on page 8)

This section is about who is accountable for what aspects of safety of navigation in Newport harbour. It is based on the following general principles :-

**A.** The harbour authority is accountable for managing operations within the port safely and efficiently and its board members hold themselves responsible for ensuring that it does so.

**B.** The NHC are committed to the standard of marine safety required to comply with the Port Marine Safety Code.

**C.** The NHC acknowledge the Port Marine Safety Code as the national standard against which their policies, procedures and performance may be measured.

**D.** Executive and operational responsibilities for marine safety have been clearly assigned, and those to whom they are entrusted are held accountable for their performance.

**E.** The NHC have a “designated person” (DP) to provide independent assurance about the operation of its marine safety management systems. The DP has direct access to the board.

### **The Duty Holder**

The Board members are severally and collectively “the duty holder”.

The PMSC requires the harbour authority to hold itself accountable for the discharge of its duties and powers to the standard laid down.

Board members are collectively and individually responsible for the proper exercise of the authority’s legal duties.

It is important to note that “*Board members may not abdicate accountability on the grounds that they do not have particular skills*”.

### **The Designated Person**

It is fundamental to the effectiveness of the Safety Management System that the harbour authority assigns the functions of a “designated person” to provide independent assurance to the “duty holder” that the safety management system is working effectively, and to audit the authority’s compliance with the PMSC.

The designated person has direct access to the highest level of authority.

### **The Authority’s Officers**

The appointment of officers is a matter for the authority, and depends upon the needs and resources of the authority.

The NHC have appointed :-

1. a suitably qualified marine officer who is a board member;
2. a clerk who acts as the central co-ordinator;
3. a secretary who organises meetings, agendas and the recording of minutes.

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**Chief Executive**

The functions of Chief Executive within the NHC are undertaken by the chairman of the board. He is accountable to the authority for the operational and financial control of the authority. He advises the authority on all matters related to its duties and powers, with appropriate advice from the harbour master and officers. He oversees the implementation of policies and decisions; has overall executive responsibility for the safety of operations and staff; and oversees the recruitment and training of staff.

### **Harbour Master**

Section 51 of the Harbours, Docks and Piers Clauses Act (1847) empowers harbour authorities to appoint a harbour master. For reasons of efficiency and practicality the functions of NHC's harbour master are undertaken, through contractual agreement, by Associated British Ports (South Wales). By entering into this agreement, the Commissioners have not delegated their powers under the 1890 Act (as amended) and remain the relevant harbour authority for their area of jurisdiction.

Guidance for the training of staff is issued by the British Ports Industry Training Board which routinely advises and supports the Commissioners, as members.

## **3. Standards**

The Commissioners make best use of all appropriate powers to develop and maintain operational systems that are both safe and efficient. Staff members are trained to nationally agreed standards so as to achieve competence levels designed for a wide range of specialist tasks. The foundation to these standards is an understanding that securing port safety is a team operation demanding an appreciation of the work of other specialists.

The NHC promote the involvement of port users in training programmes. They adopt a training strategy that develops a shared understanding of their safety management systems.

The board of Commissioners normally meets every month

## **4. Measuring, auditing and reviewing performance.**

The safety management system includes provision for systematic review of performance based on information from monitoring and from independent audits of the whole system. The Commissioners have adopted a strong commitment to continuous improvement involving the constant development of policies, systems and techniques of risk control.

Performance is assessed by internal reference to performance indicators and by external comparison with the performance of business competitors and good practice. Performance is also recorded in reports published by the authority.

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## **5. The Risk Assessment, - recommendations and actions.**

A formal Risk Assessment was carried out, being completed in February 2002.

The assessment covers the Newport Harbour Commissioners area of jurisdiction, and was carried out by independent consultants appointed by Associated British Ports.

The analysis of the results shows that, at the time of assessment, there were 'no risks that were considered to be intolerable' and that in general 'the results of the assessment confirm the evidence from the incident data that the Port is operating in a safe manner'.

The assessment team listed 21 recommendations for consideration. Wherever practicably possible, the recommendations have been acted upon.

It should be noted that since the Risk Assessment was carried out, four major "changes" affecting NHC strategy have occurred, viz.

- 1) compulsory pilotage was introduced with effect from 1<sup>st</sup> January 2003;
- 2) a Harbour Revision Order resulted in a newly constituted (restructured) trust port body, with effect from 1<sup>st</sup> November 2003;
- 3) the role of Harbour Master has been undertaken by Associated British Ports since 1<sup>st</sup> February 2005;
- 4) the buoy tender vessel **Uskmoor** was disposed of, and the maintenance of aids-to-navigation is now contracted out to Trinity House.

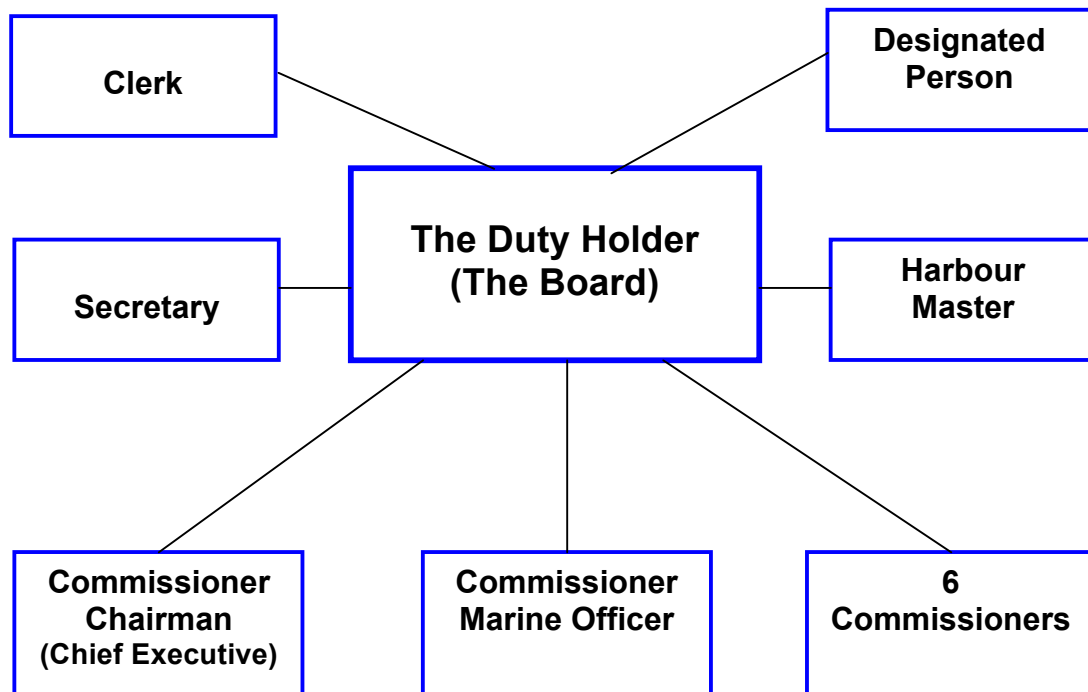
These changes have had very positive effects on the general management of safety and, as such, have contributed to the reduction of risks overall.

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## Organisation Structure

### The Board of Commissioners & Associated Staff



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