

REPORT TO: HARBOUR BOARD
Date: 12th November 2019
TOPIC: DESIGNATED PERSON ROLE
REPORT BY: CAPT. GEORGINA CARLO-PAAT(HARBOUR MASTER)

1 INTRODUCTION

1.1 Ilfracombe Harbour is a municipal harbour operated under the Statutory Harbour Authority of North Devon Council, as such the Authority is required to comply with the Port Marine Safety Code (The Code). The code was created following the grounding of the vessel 'Sea Empress' on approach to Milford Haven in 1996 and was first published in 2000. Two of the key requirements in the code is the formal identification of the Duty Holder, who is accountable for compliance with the code and the Duty Holders appointment of a Designated Person (DP) to provide the Duty Holder with independent assurance about the operation of the Marine Safety Management System. Since the codes inception there have been numerous revisions the latest being 2016, alongside the code is the Guide to good practice last revised in 2018 in which the criteria of designated person was further revised and guidance given to the Duty Holder as to the appropriate qualifications of the Designated Person.

2 RECOMMENDATIONS

2.1 It is recommended that the appointment of DP for Ilfracombe & Lynmouth Harbours be re-evaluated to comply more appropriately with the code.

3 REASONS FOR RECOMMENDATIONS

3.1 Under section 1.1 of the code it states "*A 'designated person' must be appointed to provide independent assurance about the operation of an organisation's MSMS. The designated person must have direct access to the duty holder.*"

3.2 Under section 1.12 of the code it states "*In order to fulfil this function the designated person must have a thorough knowledge and understanding of the requirements of this Code (and supporting Guide to Good Practice) and associated port and marine legislation. Their role does not obscure the accountability of the organisation's duty holder*"

3.3 Under section 2.3.32 & 2.3.33 of the Guide to good practice it states "*2.3.32 Currently there is no bespoke qualification for the role of the DP therefore, in appointing an individual to the role, the Duty Holder should consider the*

functions applicable to the role and ensure that the individual is suited to undertake such functions, or is able to attend training courses which will provide the necessary skills.

2.3.33 additionally, best practice supports the view that a DP should have:

- Relevant first-hand experience of the port marine environment and how Ports /terminals operate.*
- Appropriate knowledge of shipping, shipboard operations, and port operations.*
- Understanding of the design, implementation, monitoring, auditing and reporting of Safety Management Systems.*
- Understanding of assessment techniques for examining, questioning, evaluating and reporting.”*

4 REPORT

4.1 Under section 2.3.34 of the Guide to good practice it gives the following guidance to the appointment of the DP. *“It is acknowledged that there are numerous approaches to fulfilling the requirement to appoint a DP and it is for the Duty Holder to be demonstrably satisfied that they have adopted the best approach for their circumstances, as it is they who must demonstrate compliance with the Code. Examples of suitable approaches include, but are not limited to:*

- I. A DP with the aforementioned qualities who works for the same port/group but is not directly linked to the operation of the marine SMS.*
- II. A DP with the aforementioned qualities who is an external consultant.*
- III. A DP with the aforementioned qualities appointed under a reciprocal arrangement with another port/operator.*
- IV. A DP with some of the aforementioned qualities who sits as part of a ‘select committee’ where additional relevant knowledge is available to supplement their direct capabilities.*
- V. A DP with some of the aforementioned qualities who supplements their capabilities with the assistance of external consultants.”*

4.2 Under section 2.3.36 of the Guide to good practice it further states *“Ultimately, it is the Duty Holder who is responsible for deciding who should be appointed as the Designated Person and provide the level of assurance that is necessary to comply with the Code.”*

4.3 The current organisational set up for Ilfracombe & Lynmouth harbours is that North Devon Council are the Duty Holders and Mr Jon Triggs, Head of Resources, is the DP. This is similar to the organisational set up for Watchet &

Minehead Harbours. Watchet & Minehead Duty Holders have recently been audited by the Maritime & Coastguard Agency and their organizational set up was highlighted as not reflecting the best practice guidelines as set down in the code. The harbour Board Chairman was contacted to this end and initial conversations have been had between both Harbour Masters to review the present set up for the benefit of both Duty Holders.

- 4.4 After a full review and due consideration on how best to comply with the code it is recommended that North Devon Council as Duty Holders for Ilfracombe & Lynmouth Harbours take a proactive stance and adopt option III and enter into a reciprocal arrangement with the Duty Holders of Watchet and Minehead Harbours, that being Somerset West and Taunton Council to appoint the respective Harbour Masters as Designated Person to each other.
- 4.5 The current Harbour Master of Watchet & Minehead holds a Class 1 Master Mariner certificate of competence and has the required marine knowledge advised by the code to fulfil the DP obligations to North Devon Council and vice versa.
- 4.6 By forming a reciprocal arrangement with Somerset West and Taunton Council as having harbours of similar size this would clearly comply with the main duty of the DPs role as being able to provide independent assurance to the respective Duty Holders.

5 RESOURCE IMPLICATIONS

- 5.1 The proposed terms of reference would be for a bi annually audit and attendance at a minimum of 2 board meetings these to be undertaken out of season to reduce the resource implications on all Harbours.
- 5.2 This arrangement would relieve the current DPs of all Harbours, both senior council officers, of these obligations to enable better time management.

6 EQUALITIES ASSESSMENT

- 6.1 Due to the nature of this report it has been identified that there are not any equalities implications anticipated as a result of this report.

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Article 18	Delegated
Protocol 5	
1.5	

8 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

9.1 The following background papers were used in the preparation of this report:

- Port Marine Safety Code 2016
- Port Marine Guide to Good Practice 2018

The background papers are available for inspection and kept by the author of the report.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Capt. Georgina Carlo-Paat
Reference: Document5

Date: 28th October 2019