



DESIGNATED PERSON'S REPORT

Report by Chief Officer, Assets and Infrastructure

PURPOSE

- 1.1 The purpose of the Report is to provide the Comhairle with an update on the Designated Person Report for August 2024.

EXECUTIVE SUMMARY

- 2.1 The Port Marine Safety Code (the Code) and the Health and Safety Executive (HSE) publication Safety in Docks: Approved Code of Practice (ACOP) relate to the marine and shore side safety of harbours. The Code requires an annual internal audit and a three-year independent external audit to verify compliance.
- 2.2 David Phillips of Nash Maritime was appointed as the Designated Person (DP) on 1 July 2022. The DP is responsible for assessing compliance with the Port Marine Safety Code. Under the terms of the agreement, the DP provides two reports annually.
- 2.3 For the August 2024 report the DP re-visited the ports of Miavaig and Brevig and further details of his findings can be found in the report included at Appendix 1 to this Report.
- 2.4 It was agreed that the Comhairle does not issue Byelaws until a clear nation-wide policy position on the need for Byelaws is stated by the UK and / or Scottish Governments.
- 2.5 To meet the requirements outlined in the DP report, the Marine Safety Management System (MSMS) has been updated to include a new Environmental Statement, revision of the organigram to reflect current roles, update to DP details and addition of a section on Dynamic Risk Assessment.
- 2.6 In line with the DP's recommendation the following standalone documents have been created. Conservancy Policy, Consultation Policy, Dynamic Risk Assessment Procedure, Enforcement and Prosecution Policy, Safety of Navigation Policy.

RECOMMENDATIONS

- 3.1 **It is recommended that the Comhairle:**
 - (a) **note the External Audit report included at the Appendix to this Report; and**
 - (b) **note the progress made in addressing the recommendations provided by the Designated Person (DP).**

Contact Officer: Kenneth Morrison, Harbour Master
Appendices: 1. Designated Person Report August 2024 (Private)
2. Marine Safety Management System (MSMS) (2024 update)
Background Papers: Comhairle nan Eilean Siar Marine Safety Management System

IMPLICATIONS

4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	None in terms of Report but there will be financial implications in satisfying audit report recommendations. These financial implications will be considered against other requirements within the Marine Services portfolio of harbours.
Legal	The Comhairle is Harbour Authority of 32 Harbours as identified in the Comhairle nan Eilean Siar (Various Harbours) Harbour Revision Order 2002. The Transportation and Infrastructure Committee in its capacity as the Harbour Board, is the Duty Holder as defined in the Port Marine Safety Code. The duties and powers of a harbour authority in relation to marine operations are of three types, statutory duties imposed either in the local legislation for that authority or in general legislation; general common-law duties; and fiduciary duties.
Staffing	Marine Services is a small team to manage all the Comhairle's harbours, piers and slipways.
Assets and Property	None
Strategic Implications	Implications/None
Risk	Risk assessments are in place for each facility and routine safety maintenance is undertaken. Also, lone working by members of staff.
Equalities	Consideration of equalities issues and compliance with legislation has been followed.
Corporate Strategy	In demonstrating compliance with the Port Marine Safety Code, Marine Services is working towards the outcome of strategic priority "2.1.3 to ensure that economic investment, development and research is increased within the Outer Hebrides and people are provided with a safe, sustainable and healthy environment in which to live, work, visit or do business."
Environmental Impact	None
Consultation	Pier users

BACKGROUND

5.1 The Comhairle's compliance to the PMSC requires audited annually this Report presents a progress update on how audit recommendations are being actioned.

DESIGNATED PERSON REPORT AUGUST 2024

6.1 Marine Services have progressed with implementing the recommendations made by the Designated Person (DP). As part of this work, the following documents have been developed:

- Conservancy Policy
- Consultation Policy
- Consultation Policy
- Dynamic Risk Assessment Procedure
- Enforcement and Prosecution Policy
- Safety of Navigation Policy.

- 6.2 These documents are currently undergoing verification checks. Once verified, they will be integrated into the Safety Management System, ensuring compliance with the Port Marine Safety Code (PMSC).
- 6.3 Following intervention in late 2024, a significant cleanup of waste was completed at Miavaig. Further work is required to ensure that the space cleared by the removal of the waste is optimally utilised. Marine Services will collaborate with Miavaig Pier users to determine the best use of the newly available area

CONCLUSION

- 7.1 To maintain compliance with the PMSC, the Transportation and Infrastructure Committee (Harbour Board), acting as the Duty Holder and individually accountable for marine safety, will continue to monitor the outcomes of the three-year audits of the Comhairle's Piers and Harbours, as well as the Designated Person's reports.
- 7.2 It is proposed that monitoring updates continue to be presented in their current format as a combined report to the Harbour Board.