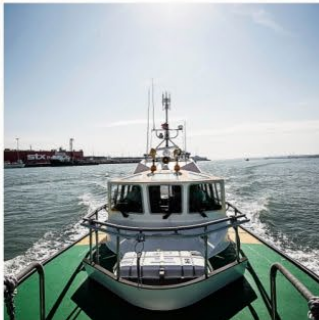
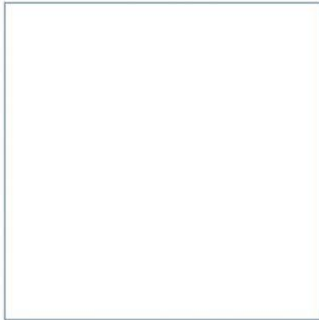


# Langstone Harbour Board

## Port Marine Safety Code

Audit: Langstone Harbour 2024

November 2024



Innovative Thinking - Sustainable Solutions



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# Port Marine Safety Code

Audit: Langstone Harbour 2024




November 2024



Source: <https://www.visit-hampshire.co.uk/things-to-do/langstone-harbour-p1508421>

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# 1 The Port Marine Safety Code

The Port Marine Safety Code ('the Code') sets out a national standard for every aspect of port marine safety. Its aim is to enhance safety for everyone who uses, or works in, the UK port marine environment. It is authored by the UK Government, supported by the devolved administrations and representatives from across the maritime sector and, whilst the Code is not mandatory, these bodies have a strong expectation that all harbour authorities will comply. The Code is applicable both to Statutory Harbour Authorities and to other marine facilities, which may not have statutory powers; these are collectively referred to throughout the Code as 'organisations' (DfT, 2016).

In reading this audit report, the Harbour Board should note the following extract from the Code:

*"The Code does not contain any new legal obligations but includes (amongst other things) references to the main legal duties which already exist. Failure to comply is not an offence in itself. However, the Code represents good practice as recognised by a wide range of industry stakeholders and a failure to adhere to good practice may be indicative of a harbour authority being in breach of certain legal duties. Moreover, the organisation may suffer reputational damage if it has publicly committed to the Code's standards and then fails to meet them."* (DfT, 2016)

In order to measure compliance with the Code, the table below sets out the 10 Duty Holder responsibilities, and corresponding cross-references with sections of the Code, which this audit has considered.

No	PMSC Duty Holder Responsibilities		PMSC Section Reference
1	Duty Holder	Formally identify and designate the Duty Holder, whose members are individually and collectively accountable for compliance with the Code and their performance in ensuring safe marine operations in the harbour and its approaches.	1.6-1.8, 1.10, 1.16-1.17
2	Designated Person	A 'Designated Person' must be appointed to provide independent assurance about the operation of the marine safety management system. The designated person must have direct access to the Duty Holder.	1.11-1.12
3	Legislation	The Duty Holder must review and be aware of their existing powers based on local and national legislation; seeking additional powers if required in order to promote safe navigation.	2.3-2.6, 4.3-4.5
4	Duties and Powers	Comply with the duties and powers under existing legislation as appropriate.	1.3-1.5, 1.9, 1.13-1.15, 3.1-3.14, 4.2, 4.6-4.20, 4.25-4.32
5	Risk Assessment	Ensure all marine risks are formally assessed and are eliminated or as low as reasonably practicable in accordance with good practice.	2.7-2.11
6	Marine Safety Management System	Operate an effective marine safety management system which has been developed after consultation, is based on formal risk assessment, and refers to an appropriate approach to incident investigation.	2.12-2.17, 2.19-2.23, 2.25, 2.29
7	Review and Audit	Monitor, review and audit the risk assessment and marine safety management system on a regular basis – the independent designated person has a key role in providing assurance for the Duty Holder.	2.2, 2.24, 2.30-2.32
8	Competence	Use competent people (i.e. trained, qualified and experienced) in positions of responsibility for managing marine and navigation safety.	2.18
9	Plan	Publish a safety plan showing how the standard in the Code will be met and a report assessing the performance against the plan at least every 3 years.	2.26-2.28
10	Aids to Navigation	Comply with directions from the General Lighthouse Authorities and supply information and returns as required.	4.21-4.24

## 1.1 About the Harbour Authority

Langstone Harbour is situated between Portsmouth Harbour to the west and Chichester Harbour Conservancy to the east. Langstone Harbour Board (LHB) is a Statutory Harbour Authority (SHA), a Local Lighthouse Authority (LLA) and a Competent Harbour Authority (CHA) in respect of pilotage. The Board was established in 1962 under the Pier and Harbour Order (Langstone Harbour) Confirmation Act, with a recent extension of the CHA area through a Harbour Revision Order (HRO) granted in 2005. The harbour limits are shown shaded blue in Figure 1. The pink line denotes the current high-water mark.

The harbour, which covers some 4,695 acres, has two commercial aggregate wharves, historically used for aggregate import, and is home to both charter fishing and commercial fishing vessels. Of the two wharves, only Kendall's Wharf is active as an aggregates berth. The wharf is owned by Aggregate Industries UK Ltd who operate the trailing suction hopper dredger *Al Avocet*. In addition, the harbour has a large recreational community including yachts and power-driven vessels, plus a range of recreational water pursuits such as windsurfing, water skiing and kayaking. The harbour is also home to one of the largest communities of Personal Watercraft (PWC) users in the UK. The harbour also has extensive international, European and national nature conservation status for its critically important marine habitat.

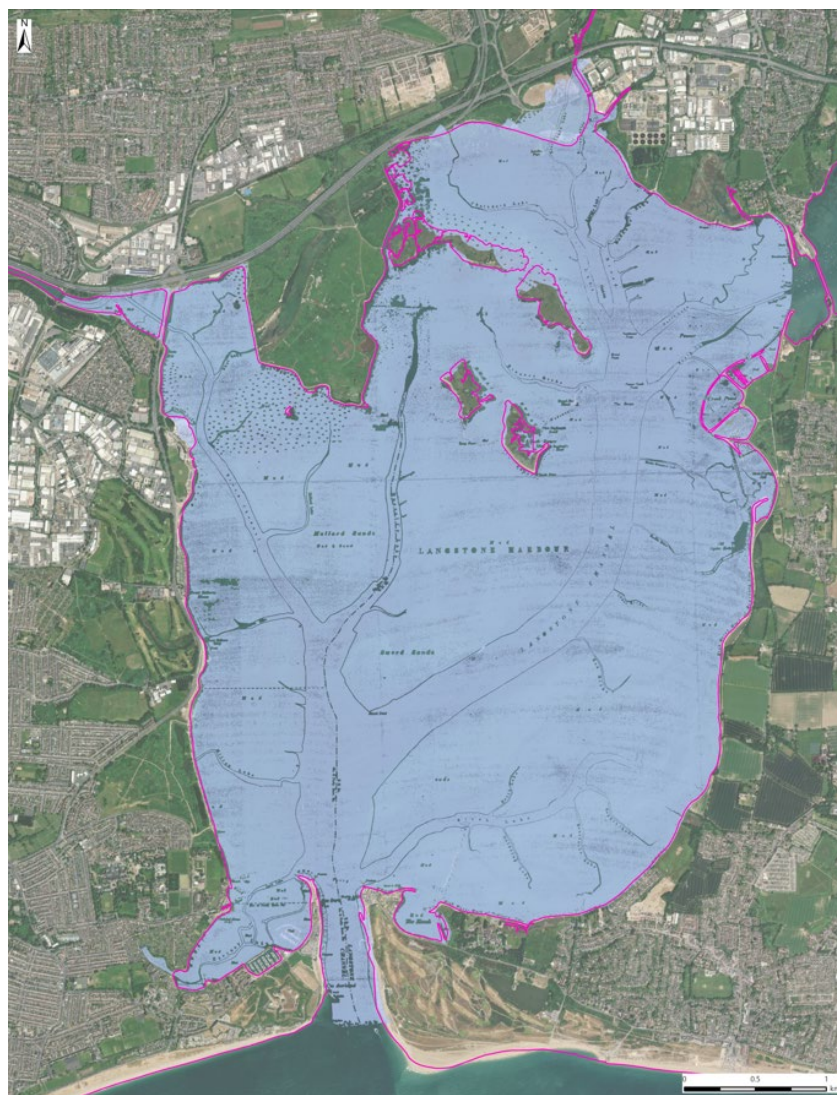


Figure 1. Harbour Limits

## 2 Purpose and Method

### 2.1 Audit scope

LHB has contracted ABPmer to provide Designated Person services for Langstone Harbour. Part of this service includes the provision of annual auditing to establish if the Harbour Authority is compliant with the requirements of the Port Marine Safety Code (PMSC). The scope of the audit includes a review of Harbour Authority performance against the standard laid out within the latest edition of the Code. Any aspects that do not comply with, or fully address, the requirements of the Code will be identified, and recommendations for improvement will be made.

### 2.2 Audit definitions and outcomes

#### 2.2.1 Definitions

The following definitions are used in the audit report:

**Non-compliance:** is a failure to adhere to a legal requirement such as an Act, Order or its Regulations. The Port Marine Safety Code requires organisations to confirm compliance with the requirements of the Code. Therefore, Port Marine Safety Code audits are designed to test the requirements of the Code with any failure to comply identified as a 'non-compliance'.

**Non-conformity:** is an opportunity for the management system to improve through the identification of a requirement that is not met. Non-conformities are not regulatory but relate to the port or harbour's own operational instructions which are not met or fully met. Any non-conformities identified through the audit process are identified in bold text in the report.

**Evidence:** Non-compliances and Non-conformities are identified through factual evidence sampled during the audit.

#### 2.2.2 Outcomes

The audit report uses the following outcomes:



**Non-Compliance:** a non-compliance with the requirements of the Code which are a breach of legal obligations or may compromise marine safety, environmental safety or present a significant reputational risk. Recommendations for addressing non-compliances are identified in red.



**Observation:** refers to an improvement opportunity such as an update to information, procedural change, or a non-conformity with local operating instructions. Whilst observations are defined as improvement opportunities, addressing them may improve the overall system standard. Recommendations for addressing observations are identified in yellow.



**Satisfactory:** a system component that meets or exceeds the requirements of the Code. Items of best practice are identified in bold.

**Not applicable:** part of the Code that is not relevant to the Organisation being audited.



## 2.3 Audit date and criteria

The audit was carried out on-site at Langstone Harbour Office on Monday 14 October 2024. The latest version of the PMSC, and the accompanying Guide to Good Practice (GtGP), have been used as the benchmarking standard. The Audit was carried out with reference to the 'Langstone Harbour Board Annual Marine Safety Management System Review Document', issue 18, version 2.4 dated December 2023. The Appendix tables to this report contain the test questions and evidence, noting down compliance, non-compliance and observational remarks. The audit tables also identify the paragraph numbers from the Code (DfT, 2016) and relevant sections of the Guide to Good Practice (DfT, 2018), for cross reference purposes.

## 2.4 Auditors

The following auditors conducted this audit.




Team Member	Initials	Company, Designation
Monty Smedley	MJS	Designated Person (PMSC): Langstone Harbour Board ABPmer, Principal Maritime Consultant Lead Auditor for Quality Management Systems (QMS ISO 9001)

## 2.5 Auditees

The following individuals participated in the audit.

Team Member	Initials	Role/Designation
Billy Johnson	BJ	Harbour Master and Manager
Paul Tansom	PT	Councillor, Duty Holder, Langstone Harbour Board (Deputy Chair)

### 3 Audit Summary

Number	Key Measures Ten-Point 'Health Check'			
1	Duty Holder	0	1	5
2	Designated Person	0	0	2
3	Legislation	0	1	6
4	Duties and Powers	0	7	47
5	Risk Assessment	0	0	5
6	MSMS	0	0	10
7	Review and Audit	0	0	4
8	Competence	0	0	3
9	Plan	0	0	3
10	Aids to Navigation	0	0	2
<b>Total</b>		<b>0</b>	<b>9</b>	<b>87</b>

The summary presented in the above table identifies that, for the ten-point health-check, Langstone Harbour Board is found to be fully compliant with the requirements of the Port Marine Safety Code. The audit identified a number of best practice items:

1. A copy of the 'Pier and Harbour Order (Langstone Harbour) Confirmation Act 1962' and all subsequent HROs are hosted on the Langstone Harbour's Website. This method of providing access to local Acts and Orders is considered a best practice approach.
2. The Harbour Master provides a set of Key Performance Indicators (KPIs) to the Board, summarised into 10 key areas for compliance (these match the areas from the Port Marine Safety Code). This approach is considered to be an area of best practice.
3. The training matrix allows cross referencing with date completed, expiry date and links to documentation. The training matrix and qualifications record is considered to be an example of best practice due to its layout, style and delivery.
4. The Enforcement and prosecution policy, along with the active management of harbour users is an example of best practice. There is a clear intention to use enforcement by the Harbour Authority, with three prosecutions being pursued in 2024.
5. The port passage plan process was updated in September 2024 to account for localised tidal conditions and vessel under keel clearance requirement. The port passage plan process is recognised as an area of best practice.

The PMSC audit identified 9 observations relating to improvement opportunities for management consideration. The following points identify the more significant items, the detailed findings being presented in Appendix A:

- Not all Board Members and Standing Deputies have attended Duty Holder training and harbour tours. The Marine Safety Plan has a KPI target of 100% attendance at Duty Holder Training, those members who have not attended Duty Holder Training should complete this at their earliest convenience.

- The role of the Chief Executive, in terms of strategic direction is performed by the Harbour Manager (Harbour Master). The Board should review the setting and monitoring of strategic actions for the Authority.
- The map defining the harbour limits, set out in the 1962 map which states: *"The limits within which the Board shall have authority shall comprise the area coloured blue on the map certified on behalf of the Minister"*. The shoreline has changed over time, in several areas of the harbour (with reclamation and shore line retreat). The blue coloured map no longer accurately reflects the harbour boundary in a number of locations. The harbour limits are subject to a change via a Harbour Revision Order (HRO) to amend the limits description to the Mean High Water Springs line, or similar boundary.
- Evidence of the Authority's compliance with its environmental duty is shown from the Annual Marine Safety Management System Review Document (AMSMSRD) and the Management Plan (last issued February 1997). A policy statement was last issued in 1997.
- The Code's GtGP in Section 1.9.2 recommends that Harbour Authorities without the power to make General Directions: *"would be well advised to secure these powers to support the effective management of vessels in their harbour"*.
- The Harbour Authority relies on Special Directions and Byelaws to manage harbour marine traffic and activities. Powers of General Direction would be advantageous.
- The audit identified that Pilot Authorisation Certification had not been distributed to the Pilots following the March Board meeting. Certificates were held on LHB's file server.
- The Pilotage Directions required that an applicant: *"should be accompanied by satisfactory written evidence of medical fitness"*. In light of recent incidents (MAIB, 2024) the requirement to hold a valid and in-date ENG1 as evidence medical fitness should be considered.
- The Pilotage Directions should be reviewed to ensure references to Master or Mate is replaced with bona fide Deck Officers.

## 4 References

Department for Transport (DfT), 2016. Port Marine Safety Code. November 2016.

Department for Transport (DfT), 2018. A Guide to Good Practice on Port Marine Operations Prepared in conjunction with the Port Marine Safety Code 2016. February 2018.

International Organization for Standardization (ISO) 9001: Quality Management Systems.

Maritime and Coastguard Agency (MCA), 2022. Marine Guidance Note (MGN) 401 (M+F) Amendment 3 Navigation: Vessel Traffic Services (VTS) and Local Port Services (LPS) in the UK'. Maritime & Coastguard Agency, March 2022

Marine Accident Investigation Branch (MAIB), 2024. Girting and capsize of tug Biter with the loss of two lives while assisting passenger vessel Hebridean Princess. Report 17/2024. 13 November 2024

### 4.1 Websites

<https://www.langstoneharbour.org.uk/harbour-board>

<https://www.langstoneharbour.org.uk/pmsc-compliance>

<https://www.langstoneharbour.org.uk/harbour-advisory-committee>

<https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list>

<https://www.langstoneharbour.org.uk/surveys>

<https://www.havant.gov.uk/community-and-living/visiting-borough/hayling-island-seafront/water-quality/water-quality-advice-0>

<http://www.langstoneharbour.org.uk/boating-byelaws.php>

<https://www.langstoneharbour.org.uk/pilotage-direction>

<https://www.langstoneharbour.org.uk/pilotage-regulation>

<https://www.langstoneharbour.org.uk/safety-in-the-harbour>

<https://www.langstoneharbour.org.uk/leisure-vessel-dues>

<https://www.langstoneharbour.org.uk/tariffs>

[https://www.langstoneharbour.org.uk/\\_files/ugd/3a32f8\\_1e2e85c31f6b4779a845781012f2baaa.pdf](https://www.langstoneharbour.org.uk/_files/ugd/3a32f8_1e2e85c31f6b4779a845781012f2baaa.pdf)

<https://www.langstoneharbour.org.uk/towage>

<https://www.langstoneharbour.org.uk/swimming-and-diving>

## 5 Abbreviations/Acronyms

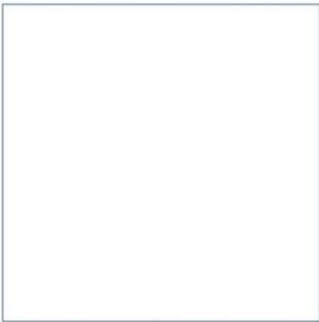
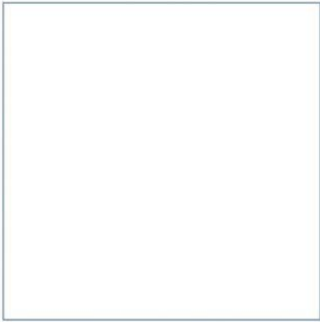
ABP	Associated British Ports
AMSMSRD	Annual Marine Safety Management System Review Document
AtoN	Aids to Navigation
CERS	Consolidated European Reporting System
CHA	Competent Harbour Authority
Cont.	Continued
DfT	Department for Transport
FRA	Formal Risk Assessment
GLA	General Lighthouse Authority
GPD	General Permitted Development
GtGP	Guide to Good Practice on Port Marine Operations
HDPCA	Harbour, Docks and Piers Clauses Act
HRO	Harbour Revision Order
HSE	Health & Safety Executive
IALA	International Association of Marine Aids to Navigation and Lighthouse Authorities
IMO	International Maritime Organization
ISO	International Organization for Standardization
KPI	Key Performance Indicator
LANGSPILL	Langstone Oil Spill Contingency Plan
LHB	Langstone Harbour Board
LLA	Local Lighthouse Authority
LPS	Local Port Service
M+F	Merchant shipping and fishing vessels
MAIB	Marine Accident Investigation Branch
MARNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MSMS	Marine Safety Management System
n/a	Not Applicable
NERC	Natural Environment Research Council
PACE	Police and Criminal Evidence
PEC	Pilotage Exemption Certificates
PLSA	Portsmouth & Langstone Sailing Association
PMSC	Port Marine Safety Code
PWC	Personal Watercraft
QMS	Quality Management Systems
SAC	Special Area of Conservation
SHA	Statutory Harbour Authority
SI	Statutory Instrument
SOG	Solent Operational Group

SOP	Standard Operating Procedures
SOSREP	Secretary of State's Representative
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
UK	United Kingdom
UKHMA	UK Harbour Masters' Association
UKHO	United Kingdom Hydrographic Office
VTs	Vessel Traffic Services

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

# Appendix



Innovative Thinking - Sustainable Solutions

# A Detailed Audit Findings

## A.1 PMSC Section 1 – Accountability for Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.3-1.5	Duties and Powers	Is the Organisation’s Duty of Care for users of the harbour, port of facility stated?	<b>Satisfactory</b> – the Langstone Harbour Board (LHB) ‘Annual Marine Safety Management System Review Document’ (AMSMSRD) Issue 18, Version 2.4 under the heading ‘Conservancy Duty’ identifies that: <i>“The Duty Holder is the Langstone Harbour Board, whose members are individually and collectively accountable for compliance with the Port Marine Safety Code (PMSC) and hold a common law duty of care for employees and harbour users.”</i>		MJS_001	MJS
		Are local Acts and Orders identified?	<p><b>Satisfactory</b> – the AMSMSRD in Section 3.6, under the heading ‘Local Harbour Legislation’ lists five items of local legislation:</p> <ul style="list-style-type: none"> <li>▪ Pier and Harbour Order (Langstone Harbour) Confirmation Act 1962</li> <li>▪ The Langstone HRO 1985 (SI1985/1554)</li> <li>▪ The Langstone HRO 1990 (SI1990/615)</li> <li>▪ The Langstone HRO 1999 (SI1999/266)</li> <li>▪ The Langstone (Pilotage) HRO 2005 (SI2005/1141).</li> </ul> <p>A copy of the ‘Pier and Harbour Order (Langstone Harbour) Confirmation Act 1962’ and all subsequent HROs are hosted on the Langstone Harbour’s Website. <b>This method of providing access to local Acts and Orders is considered a best practice approach.</b></p>		<p>MJS_001</p> <p><a href="https://www.langstoneharbour.org.uk/harbour-board">https://www.langstoneharbour.org.uk/harbour-board</a></p>	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 1.3-1.5	Cont. Duties and Powers	Is the Harbour, Docks and Piers Clauses Act (HDPCHA) 1847 incorporated into local Acts and Orders?	<b>Satisfactory</b> – the AMSMSRD, in Section 3.2 'Harbours, Docks and Piers Clauses Act' states: <i>"The 1962 Act incorporates certain sections of the 1847 Harbours, Docks and Piers Clauses Act that give the Harbour Master statutory powers, including powers of special direction, for the management of the Harbour. The Harbours, Docks &amp; Piers Clauses Act, 1847 is incorporated with The Langstone Harbour Revision Order 1985 (SI1985/1554) except for the following Sections: 6 to 27, 31, 37 to 42, 47 to 50, 59, 60, 66, 67, 79, 80, 81, 82, 84 to 98 and 101."</i>		MJS_001	MJS
1.6 – 1.7	The Duty Holder	Has the organisation appointed and confirmed who the Duty Holder is?	<b>Satisfactory</b> – the AMSMSRD, in Section 2 under the heading 'Accountability for Marine Safety' and Section 2.1 'Duty Holder' states that the Duty Holder is the Langstone Harbour Board. A list of Board members is detailed in the Annual Report. Board members are comprised of 15 members and at the time of audit, 4 standing deputies (a total of 19 individuals constituting the Duty Holder):  <ul style="list-style-type: none"> <li>▪ Portsmouth City Council (6 Councillors)</li> <li>▪ Havant Borough Council (6 Councillors)</li> <li>▪ Hampshire County Council (1 Councillor)</li> <li>▪ Advisory Committee (2 elected members)</li> <li>▪ Standing deputies (3 Portsmouth, 1 Hampshire).</li> </ul>		MJS_001 MJS_024  <a href="https://www.langstoneharbour.org.uk/harbour-board">https://www.langstoneharbour.org.uk/harbour-board</a>	MJS
1.8	The Duty Holder	Are the Duty Holder's responsibilities for compliance with Code defined?	<b>Satisfactory</b> – the AMSMSRD, Section 2.1.1 'Duty Holder Responsibilities' list the requirements, this matches the list from the Code, Section 1.8.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.10	The Duty Holder	Does the Duty Holder (Harbour Board members) have a clear understanding of the port's marine activities and MSMS?	<p><b>Satisfactory</b> – a harbour awareness tour is run annually to visit the harbour office and view harbour operations. Out of the 21 Duty Holders (15 named members of the Board) 73% have of the Duty Holder collective have attended Duty Holder Training. The last training and awareness tour was held on 24 May 2024. The Board is provided with a briefing at each Board meeting from the Harbour Master, evidence of the 06 September 2024 Agenda and briefing pack provided.</p> <p><b>Observation</b> – not all Board Members and Standing Deputies have attended Duty Holder training and harbour tours.</p>	<p><b>Recommend</b> – the Marine Safety Plan has a KPI target of 100% attendance at Duty Holder Training, those members who have not attended Duty Holder Training should complete this at their earliest convenience.</p>	MJS_001 MJS_021 MJS_028	MJS
		Has the Duty Holder (Harbour Board members) been provided with a clear brief or training on their role under the requirements of the Code?	<p><b>Satisfactory</b> – LHB Board meets four times a year and are briefed by the Harbour Master using Board papers and presentations. Evidence sighted, Harbour Board meeting on 06 September 2024. The induction pack for Duty Holders has been approved by both Council's Democratic Services Departments.</p>		MJS_021	
1.11-1.12	The Designated Person	Has the Harbour Authority appointed an individual as the Designated Person?	<p><b>Satisfactory</b> – ABPmer is contracted to provide a Designated Person function. Designated Person contact details are available as a download from Langstone Harbour's Website and posted on the harbour office notice boards. Details are also included in the Harbour Master's KPI report to the Board.</p>		MJS_001  <a href="https://www.langstoneharbour.org.uk/pmsc-compliance">https://www.langstoneharbour.org.uk/pmsc-compliance</a>	MJS
		Is the Designated Person's role explained in the MSMS?	<p><b>Satisfactory</b> – the Designated Person is identified in the AMSMSRD, in Section 2.2 titled 'Designated Person'. This confirms that independent assurance is provided to the Board by means of an annual audit of the Marine Safety Management System.</p>		MJS_001	

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.13	Chief Executive [or equivalent]]	Have executive and operational responsibilities for marine safety been clearly assigned?	<p><b>Satisfactory</b> – the AMSMSRD, in Section 9,2 'Staff Roles and Section 9.2.1 'Harbour Master/Manager' states that: <i>"The Harbour Manager also acts as the Chief Executive Officer for the harbour"</i>. Also, the Board's Standing Orders, Section 22.4 refers to the appointment of a proper officer. Langstone Harbour Board 'Strategic Aims and Objectives', referencing the business plan of 2017, sets the strategic vision of the Authority.</p> <p><b>Observation</b> – the role of the Chief Executive, in terms of strategic direction is performed by the Harbour Manager (Harbour Master).</p>	<b>Recommend</b> – the Board should review the setting and monitoring of strategic actions for the Authority.	MJS_001 MJS_050 MJS_076	MJS
		How is marine safety funded within the organisation?	<p><b>Satisfactory</b> – the Harbour Master/Manager can approve financial spending in line with the agreed budget. Capital items are subject to a needs case assessment, a Capital Expenditure plan and Board Level approval. As an example, funding for the slipway repair was budgeted, inclusive of the Seafood Grant, 25% was met by LHB.</p>			
1.9, 1.14 – 1.15	Harbour Master	Have executive and operational responsibilities for marine safety been clearly assigned?	<p><b>Satisfactory</b> – the AMSMSRD, in the Section 9.2.1 title 'Harbour Master/Manager' and Section 9.2.2 titled 'Deputy Harbour Master' identifies the responsibilities of both roles.</p>		MJS_001	MJS
		Does an officer with responsibilities for marine safety attend Board meetings?	<p><b>Satisfactory</b> – the Manager / Harbour Master attends Board Meetings. Representatives of the Advisory Committee also attend LHB meetings. Meeting minutes September 2024 evidenced.</p>		MJS_015 MJS_021	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
1.16 – 1.17	The Organisation's Officers	Does the MSMS provide details of the organisation's Officers and their responsibilities for marine safety?	<p><b>Satisfactory</b> – the AMSMSRD, in the Section 9.2 title 'Staff Roles' list the roles of:</p> <ul style="list-style-type: none"> <li>▪ Harbour Master/Manager</li> <li>▪ Deputy Harbour Master</li> <li>▪ Assistant Harbour Master (Moorings)</li> <li>▪ Assistant Harbour Master (Patrol)</li> <li>▪ Office Manager</li> <li>▪ Finance Officer</li> <li>▪ Administration Assistant</li> <li>▪ Environment Officer</li> <li>▪ Seasonal Patrol Officer(s)</li> </ul>		MJS_001	MJS

## A.2 PMSC Section 2 – Key Measures Needed to Secure Marine Safety

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.2	Further guidance	Does the organisation review any of the following: <ul style="list-style-type: none"> <li>MAIB digest / reports</li> <li>MCA health check trends</li> </ul>	<b>Satisfactory</b> – MAIB digests and relevant reports are shared with harbour staff during briefings and through email circulation. The MCA’s Health-Check finding report is brought to the attention of the Duty Holder by email distribution, evidence seen.		MJS_080	MJS
2.3 – 2.6	Review existing powers	Does the Harbour Authority have an understanding of local legislation?	<b>Satisfactory</b> – LHB’s Special Act is the ‘Pier and Harbour (Langstone Harbour) Confirmation Act 1962 (as amended)’. This is referenced in the AMSMSRD.		MJS_001	MJS
		Are local Acts and Harbour Orders referenced in MSMS?	<b>Satisfactory</b> – the AMSMSRD, Section 3.6 titled ‘Local Harbour Legislation’. The section identifies the enabling legislation and four subsequent HROs. Local legislation includes: <ul style="list-style-type: none"> <li>Pier and Harbour Order (Langstone Harbour) Confirmation Act 1962</li> <li>The Langstone Harbour Revision Order 1985 (SI1985/1554)</li> <li>The Langstone Harbour Revision Order 1990 (SI1990/615)</li> <li>The Langstone Harbour Revision Order 1999 (SI1999/266)</li> <li>The Langstone (Pilotage) Harbour Revision Order 2005 (SI2005/1141)</li> </ul>		MJS_001 MJS_033 MJS_038	MJS
		Have the Harbour Authority’s existing powers been reviewed?	<b>Satisfactory</b> – LHB has applied for several HROs, providing evidence of a commitment to reviewing harbour powers. The last HRO was in 2005. A full review of local legislation has been carried out in January 2021.		MJS_038 MJS_078	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont. 2.3 – 2.6	Cont. Review existing powers	Is the organisation’s jurisdiction mapped and clear?	<p><b>Satisfactory</b> – the Harbour Limits are mapped on the UK Hydrographic Office Chart, 3418.</p> <p><b>Observation</b> – the map defining the harbour limits, set out in the 1962 map which states: <i>“The limits within which the Board shall have authority shall comprise the area coloured blue on the map certified on behalf of the Minister”</i>. The shoreline has changed over time, in several areas of the harbour (with reclamation and shore line retreat). The blue coloured map no longer accurately reflects the harbour boundary in a number of locations.</p>	<p><b>Recommend</b> – the harbour limits are subject to a change via a Harbour Revision Order (HRO) to amend the limits description to the Mean High Water Springs line, or similar boundary.</p>	<p>MJS_016 MJS_033 MJS_034</p> <p>Observation, UKHO Chart 3418</p>	MJS
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Have risks associated with marine operations been assessed and a means of controlling them deployed?	<b>Satisfactory</b> – the MARNIS Assessments Number 17 marine assessments. All assessments were in date at the time of audit. Review dates were staggered throughout the year.		MJS_019 MJS_055 MJS_079	MJS
		How does the organisation ensure those undertaking marine risk assessment are competent in the role?	<b>Satisfactory</b> – the Harbour Master has completed the UKHMA Certificate of Competence, which covers risk management.		MJS_020	MJS
		Are stakeholders included in marine risk review/assessments?	<b>Satisfactory</b> – risk assessments are discussed at the Langstone Harbour Advisory Committee meetings. Evidence of the 06 June 2024 meeting, the Harbour Master circulated three Marine Risk Assessments (Capsizing, Dredger Grounding, Man Overboard) to the Advisory Committee in advance of the meeting and invited comments from members.		MJS_019 MJS_052	MJS
		Does the MSMS prescribe the review frequency for risk assessments?	<b>Satisfactory</b> – in the AMSMSRD, Section 6.3 states that: <i>“The harbour has now adopted the MarNIS toolkit for the management of marine risk assessments, incident reporting and management of controls. MarNIS Risk Assessments are reviewed every 3 years (for low level risk scores) and every 18 months (for medium risk scores).”</i>		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.7 – 2.11	Use of Formal Risk Assessment (FRA)	Is a system of Dynamic Risk Assessment used?	<b>Satisfactory</b> – in the AMSMSRD, Section 6.1 title 'Dynamic Risk Assessment' states: <i>"The risks inherent in many marine operations may change rapidly and therefore require continual assessment. In addition to the Board's recorded risk assessments, dynamic risk assessment will be applied to any activity or emergency involving changing or unpredictable risks"</i> .		MJS_001	MJS
2.12-2.14	Implement a MSMS	Is there an MSMS? Does this incorporate policies and procedures? The MSMS must incorporate a regular and systematic review of its performance.	<b>Satisfactory</b> – the Langstone Harbour Board (LHB) 'Annual Marine Safety Management System Review Document' (AMSMSRD) Issue 18, version 2.4, dated December 2024. Separately, a signposting document titled 'Langstone Harbour Safety Management System' has been created which hyperlinks documentation with topic areas including Policy, Codes, (etc). A set of Standard Operating Procedures are also in operation, with the latest version dated November 2022.		MJS_001 MJS_002 MJS_003	MJS
2.15	MSMS standards and Key Performance Indicators (KPIs)	Does the MSMS detail KPIs and/or make a statement about performance in the organisation's annual report?	<b>Satisfactory</b> – the Harbour Master provides a set of KPIs to the Board Meeting, summarised into 10 key areas for compliance (these match the areas from the Port Marine Safety Code). <b>This is considered to be an area of best practice.</b>		MJS_015	MJS
2.16	MSMS assigning responsibility	Does the MSMS explicitly assign responsibility for appropriate safety/conservancy matters?	<b>Satisfactory</b> – the AMSMSRD, Section 9.3 identified 'training'. Section 9.2 assigns responsibility for marine safety to named officers of the Authority.		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.17	MSMS Consultation	Are forum/consultation meetings held?	<p><b>Satisfactory</b> – the principal process for consultation with harbour users is the Harbour Advisory Committee. This Committee is required by the Authority’s local legislation. Minutes from 06 June 2024 evidenced. Officers of the Authority also attends the following groups and meetings to represent LHB:</p> <ul style="list-style-type: none"> <li>▪ Portsmouth Water Safety Forum</li> <li>▪ Solent Operational Group (SOG)</li> </ul> <p>The following are attended on request:</p> <ul style="list-style-type: none"> <li>▪ Portsmouth &amp; Langstone Sailing Association (PLSA) including Locks Sailing Club, Tudor Sailing Club, Langstone Harbour Sailing Club and the Eastney Cruising Association.</li> <li>▪ Friends of Langstone Harbour, Langstone and District Wildfowlers and Conservation Association, Hayling Health Society.</li> <li>▪ Langstone Harbour Fishermen’s Association, Marine Aggregates, The Hayling Ferry.</li> <li>▪ Solent Protection Society, Hampshire Wildlife Trust, Royal Society for the Protection of Birds, English Heritage, Natural England.</li> </ul>		<p>MJS_001 MJS_052</p> <p><a href="https://www.langstoneharbour.org.uk/harbour-advisory-committee">https://www.langstoneharbour.org.uk/harbour-advisory-committee</a></p>	MJS
2.18	Competence standards	Are personnel qualified and trained for their marine safety role?	<p><b>Satisfactory</b> – a training matrix has been compiled for marine operational staff. This includes all essential (E) and desirable (D) qualification and competencies.</p>		MJS_023	MJS
		Is there a policy on revalidation or maintenance of qualifications in place?	<p><b>Satisfactory</b> – LHB issues a ‘Training Policy’, signed by the Board on 17 June 2022. The policy states that the Board is committed to national standards of competency for marine personnel and will review training needs of staff in light of changing requirements.</p>		MJS_008	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
Cont.  2.18	Cont.  Competence standards	Is there a list of the organisation's staff, training received, qualifications held and/or experience required for their role?	<b>Satisfactory</b> – each staff member has a training file held on the LHB network with certification matching the required items in the training matrix. The training matrix allows cross referencing with date completed, expiry date and links to documentation. The training matrix and qualifications record is considered to be an example of <b>best practice</b> due to its layout, style and delivery.		MJS_023	MJS
2.19 – 2.22	Incident reporting and investigation	Does the MSMS identify the organisation's instruction regarding: <ul style="list-style-type: none"> <li>▪ reporting</li> <li>▪ recording of incidents</li> <li>▪ investigation</li> <li>▪ enforcement (if relevant).</li> </ul>	<b>Satisfactory</b> – the AMSMSRD, Section 7.4 titled 'Incident Reporting and Investigation' details that: <i>'Investigations of marine incidents have two essential purposes ...'</i> , the MSMS details the requirement of the Harbour Authority to investigate to prevent a recurrence or to determine if an offence has been committed. Incident records are held in MARNIS and presented in the Annual Report. In the last 12 months (at the time of audit) there were 56 recorded incidents. There are no recently issued Harbour Authority incident investigation reports. The target for close out of minor incidents in the Marine Safety Plan is one-week, and one-month for serious incidents. Sampling of the databased confirmed that KPI targets were being met.		MJS_001 MJS_028 MJS_056	MJS
GtGP 13.2	Incidents involving Death or Crime	Are procedures in place for incidents involving death or crime?	<b>Satisfactory</b> – the AMSMSRD, Section 7.4 titled 'Incident Reporting and Investigation' states: <i>"there may be the need on the part of a harbour authority to initiate enforcement action that may lead to prosecution in their own right or through an agency of another authority such as the Police or the MCA"</i> . Also, under the section titled 'Patrol', the Police and Criminal Evidence Act (PACE) is recognised.		MJS_001	MJS
GtGP 13.9	Incident publication	Does the Harbour Authority disseminate information from accident investigations?	<b>Not applicable</b> – there are no recently issued Harbour Authority incident investigation reports.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.23	Incident statutory reporting	Are procedures for reporting incidents to the MAIB in place?	<b>Satisfactory</b> – the AMSMSRD, Section 7.4.3 titled 'Marine Accident Reporting and Investigation' referencing MGN 564 and the 'Merchant Shipping (Accident Reporting and Investigation) Regulations 2012'. The incident report of the vessel <i>Al Avocet</i> grounding, reference: LAN0305REP, on the 17 October 2023 has been reported to the MAIB.		MJS_001 MJS_065	MJS
2.24	Monitoring performance and auditing	Has the MSMS been subject to audit (internal and/or external)?	<b>Satisfactory</b> – annual external audit of the MSMS is carried out by the Designated Person. The MCA carried out a Health-Check at the request of the DFT in July 2022.		MJS_001 MJS_054	MJS
2.25	Enforcement	Are local officers aware of enforcement powers and responsibilities?	<b>Satisfactory</b> – there is a clear intention to use enforcement by the Harbour Authority. During 2024 there are three cases being progressed. <b>This is considered an area of best practice.</b> Commitment to enforcement action is also evidenced through the Enforcement Procedure and 'Guidance for Harbour Patrol Staff'. Instructions are summarised in the harbour's SOPs.		MJS_025 MJS_026	MJS
		Is there a policy on enforcement and prosecution in place?	<b>Satisfactory</b> – LHB publish an 'Enforcement and Prosecution Policy'. This identifies that The Langstone Harbour Byelaws were made in 1994 and that contravention of Harbour Byelaws may result in prosecution through the Magistrates' Court. The policy was approved by the Board on 17 June 2022.		MJS_006	MJS
2.26	Publication of plans and reports	Does the organisation commit itself to developing policies and procedures to satisfy the requirements of the Code?	<b>Satisfactory</b> – the Board publishes a 'Marine Safety Plan', which was approved by the Board on 17 June 2022, the review of which is required in June 2025.		MJS_028	MJS
2.27	Plan assessment	Is an assessment of the organisation's performance against the plan published?	<b>Satisfactory</b> – the annual report (the most recent report's published date is 2023-2024) provides a commentary on 'Harbour Safety'. The annual report contains incident and reporting summary statistics.		MJS_024	MJS
2.28	Safety plan for marine operations	Is a 'Safety Plan for Marine Operations' published (every three years).	<b>Satisfactory</b> – the Board publishes a 'Marine Safety Plan', which was approved by the Board on 17 June 2022.		MJS_028	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendation	Evidence Reference	Auditor
2.29	Consensus	Has the Harbour Board maintained consensus with harbour users and service providers about safe navigation?	<b>Satisfactory</b> – see response to Audit Report Section 2.17.		n/a	MJS
2.30 – 2.32	Monitoring compliance	Has the Harbour Authority confirmed compliance with the PMSC for the port to the MCA within the last three years?	<b>Satisfactory</b> – a letter to the MCA confirming compliance with the Code was sent by the Langstone Harbour Board, the letter is dated 30 March 2021. Langstone Harbour Board is listed on Dft’s list of ‘UK port facilities confirming PMSC compliance up to 31 January 2022’.		MJS_029  <a href="https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list">https://www.gov.uk/government/publications/port-marine-safety-code-compliant-ports/port-marine-safety-code-compliant-ports-list</a>	MJS
GtGP 2.2.3 (also, Code Executive Summary)	Monitoring compliance	Has the Harbour Authority confirmed all organisations with its jurisdiction comply with the requirements of the Code?	<b>Satisfactory</b> – this topic has been raised informally with marina management and commercial wharf operators through discussion and email exchange, evidence of email seen. British Ports Association ‘Introduction to the PMSC’ online course details are passed on by LHB to relevant marine facility operators.		MJS_051	MJS

### A.3 PMSC Section 3 – General Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.1 – 3.4	Safe and Efficient Port Operations	Does the Duty Holder have regard to efficiency, economy and safety of operation in respect to the services and facilities provided?	<b>Satisfactory</b> – the Harbour Master/Manager can approve financial spending in line with the ‘Standing Orders and terms of Delegation to Officers’ document. Any spending for capital items is subject to a needs case assessment, a Capital Expenditure plan and Board Level approval.		MJS_017	MJS
3.5	Open port duty	Is the port or harbour subject to Open Port Duty?	<b>Satisfactory</b> – Clause 33 of the Harbours, Docks and Piers Clauses Act 1847 is incorporated into the Pier and Harbour Order (Langstone Harbour) Confirmation Act, 1962. Therefore, LHB has an ‘Open Port Duty’.		MJS_001	MJS
3.6 – 3.6	Conservancy duty	How does the harbour authority conserve the harbour?: <ul style="list-style-type: none"> <li>▪ Survey as regularly as necessary</li> <li>▪ Place navigation marks in optimum positions</li> <li>▪ Keep ‘vigilant watch’ for any sea bed changes</li> <li>▪ Keep hydrographic records</li> <li>▪ Ensure hydrographic information is published</li> <li>▪ Update UKHO with chart information.</li> </ul>	<b>Satisfactory</b> – a full harbour survey was carried out during 2019. <i>Ad hoc</i> surveys are carried out in response to concerns over bank shifts or siltation. The last surveys were on 01 September 2023 in the main fairway and harbour entrance on the 07 February 2024. Harbour stakeholders can access bathymetric charts from Langstone’s Harbour Website. There is no Harbour Authority dredging, third party operators carry out maintenance dredging, when necessary, on their access channels and berths. Bathymetry is passed to the UKHO on completion of surveys. LHB has a duty as the LLA to place navigation marks in the most appropriate locations and ensure they function effectively. See section 4.21-4.23 of this report.		MJS_027 MJS_030 MJS_031 MJS_066  <a href="https://www.langstoneharbour.org.uk/surveys">https://www.langstoneharbour.org.uk/surveys</a>	MJS
3.7	Updates provided to UKHO	Does the organisation have an Agreement with UKHO, and/or do they provide survey information to UKHO?	<b>Satisfactory</b> – LHB has a Bilateral agreement with the United Kingdom Hydrographic Office (UKHO) for the supply of hydrographic surveys and data in return for the use of UKHO products and tidal information.		MJS_053	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 1.9.11, and 7.8	Licensing, Regulating Harbour Works and Dredging?	Does the harbour authority have the power to licence works?	<b>Satisfactory</b> – under Article 8 of ‘The Langstone HRO 1999 (S11999/266)’, local planning Authorities are required to consult with LHB. The requirement to consult covers an area defined in the 1999 HRO (which extend beyond the SHA) or (under paragraph (u)(i) of article 10 of the Town and Country Planning (GPD) Order 1995) where a development is in, or likely to affect a Site of Special Scientific Interest (SSSI), designated under Section 28 of the Wildlife and Countryside Act 1981. LHB has a duty to respond to these consultation requests. The Authority typically makes 15-20 responses a year.		MJS_001 MJS_033	MJS
3.8	Environmental duty	Does the Organisation understand its obligations: <ul style="list-style-type: none"> <li>▪ Nature conservation Section 48A of Harbours Act 1964</li> <li>▪ Obligations for SPA, SACs under Habitat Regs.</li> <li>▪ Compliance with Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 [England &amp; Wales]</li> </ul>	<b>Satisfactory</b> – LHB issues an ‘Environmental Protection Policy’ (Langstone Harbour Management Plan). the AMSMSRD, Section 4.4 titled ‘Environmental Duty’ states: <i>“In addition to the requirements of national Environmental Protection legislation, including the Environmental Protection Act 1990, the Harbour has a general duty to exercise its functions with regard to nature conservation and other environmental considerations (including facilities for visiting archaeological, architectural and historic features - s48A 1964 Act)”</i> . Langstone Harbour Team has facilitated water quality sampling June to September 2023, through the provision of a boat and crew. Havant Borough Council arranged for the sampling analysis and results. The results are hosted on Havant Borough Council’s website.  <b>Observation</b> – evidence of the Authority’s compliance with its environmental duty is shown from the AMSMSRD and the Management Plan (last issued February 1997). A policy statement was last issued in 1997.	<b>Recommend</b> – a review and updated commitment to environmental duty is considered, for example, through review and re-issue of the Environmental Protection Policy document.	MJS_016 MJS_032  <a href="https://www.havant.gov.uk/community-and-living/visiting-borough/hayling-island-seafront/water-quality/water-quality-advice-0">https://www.havant.gov.uk/community-and-living/visiting-borough/hayling-island-seafront/water-quality/water-quality-advice-0</a>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
3.9	Civil Contingency Duty and Emergency Planning	Does the MSMS include reference to the Harbour Authority's obligations as a Category 2 responder?	<b>Satisfactory</b> – the AMSMSRD, Section 4.10 titled 'Civil Contingency' identifies that: "As a statutory harbour authority LHB is classified as a Category 2 Responder under the Civil Contingencies Act 2004".		MJS_001	MJS
GtGP 6.2.4, 6.5	Emergency Planning / Pollution control	Does the MSMS include emergency planning and oil pollution response?	<b>Satisfactory</b> – LHB has an emergency plan, covering the actions and call out procedure to be followed for major emergencies and incidents. The plan is version 2.0, issued on 07 December 2022. A copy of LHB's emergency plan is with Resilience Direct Hub for sharing with the local resilience community. The contact list (copy on the office noticeboard) is up to date. There is also an approved Oil Spill Contingency Plan, 'LANGSPILL' published 24 June 2021, which is valid until 29 June 2026.		MJS_067 MJS_068 MJS_081 MJS_082	MJS
		Does the port/harbour carry out emergency plan exercises?	<b>Satisfactory</b> – annual return for 2021 evidenced. The Tier 2 exercise was carried out on 28 September 2022 as 'exercise Merganser'. The last Tier 1 Oil Spill deployment exercise was conducted on 28 October 2023. The exercise report was evidenced. A disaster recovery exercise for Business Continuity has been tested during 2024.		MJS_035 MJS_068	MJS
3.10 – 3.11	Harbour Authority Powers and review	Has the Harbour Authority reviewed its powers?	See the response in this audit report to Section 2.3 – 2.6.		n/a	MJS
3.12 – 3.14	Revising Duties and Powers	Evidence of Harbour Revision Orders, or Harbour Closure.	<b>Satisfactory</b> – the last HRO was issued in 2005. An officer working group has been formed to look at a range of topics, including: <ul style="list-style-type: none"> <li>▪ The Fisher Report (restricted distribution).</li> <li>▪ Langstone Harbour Management Plan 1997.</li> <li>▪ The potential for a Harbour Revision Order.</li> </ul>		MJS_016 MJS_038 MJS_078  <a href="https://www.langstoneharbour.org.uk/harbour-board">https://www.langstoneharbour.org.uk/harbour-board</a>	MJS

## A.4 PMSC Section 4 – Specific Duties and Powers

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.2	Appointment of Harbour Master	Is there a Harbour Master appointment for the port?	<b>Satisfactory</b> – a Harbour Master is appointed by LHB. Evidence of Board appointment sighted, the role of the current Harbour Master commenced on the 06 July 2020.		MJS_036	MJS
4.3 – 4.5	Byelaws	Does the organisation have powers to make Byelaws, are these published?	<b>Satisfactory</b> – the Authority has powers to make Byelaws, the current set is available from Langstone Harbour’s Website, titled ‘Langstone Harbour Board Byelaws, 1994’.		MJS_037 <a href="http://www.langstoneharbour.org.uk/boating-byelaws.php">http://www.langstoneharbour.org.uk/boating-byelaws.php</a>	MJS
		Date of last byelaw review?	<b>Satisfactory</b> – the byelaws were last reviewed in 1994 and were considered to be up to date. A set of changes were submitted in January 2024, no response has been received from the DfT in respect of the requested changes.		MJS_037	MJS
4.6 – 4.7	Special Directions	Are the Harbour Master’s powers of Direction shown in the MSMS, how is delegation identified?	<b>Satisfactory</b> – certain sections of The Harbours, Docks & Piers Clauses Act, 1847 were incorporated with the Langstone HRO 1985 (SI 1985 No. 1554), including Section 52 concerning Special Directions and Section 53 concerning the issuing of Special Directions. The AMSMSRD, Section 4.12 provides a scheme of delegation, stating: <i>“The power to issue Special Directions is generally to be exercised by the Harbour Master, however this authority is delegated to Deputy and Assistant Harbour Masters in his absence and in an emergency to LHB Patrol staff on the water. The power to issue Directions is also delegated to the Environment Officer for the protection of the environment as well as flora and fauna within the harbour.”</i>		MJS_001 MJS_038	MJS
4.8	General Directions	Are the powers of General Directions available to the Harbour?	<b>Satisfactory</b> – powers of General Direction are not available to the Harbour Authority.  <b>Observation</b> – the Harbour Authority relies on Special Directions and Byelaws to manage harbour marine traffic and activities. Powers of General Direction would be advantageous.	<b>Recommend</b> – the Harbour Board should consider the benefit in applying for powers of General Direction through an HRO.	MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. 4.8	Cont. General Directions	When were General Directions last reviewed?	Not applicable – LHB does not have powers of General Directions.		n/a	MJS
4.9	Harbour Directions	Are Harbour Directions used and published?	<p><b>Satisfactory</b> – Harbour Directions are not issued at Langstone Harbour. LHB has not applied for these powers.</p> <p><b>Observation</b> – the Code’s GtGP in Section 1.9.2 recommends that Harbour Authorities without the power to make General Directions “<i>would be well advised to secure these powers to support the effective management of vessels in their harbour</i>”.</p> <p>[<b>Note:</b> as a result of the Marine Navigation Act 2013 modification to the Harbours Act 1964, harbour authorities may now, on application, be designated with the power to make harbour directions. The process to designate harbour authorities requires a statutory instrument (a ‘designation Order’) to be made by the Secretary of State].</p>	<b>Recommend</b> – reviewing the needs-case for ‘Harbour Directions’.	n/a	MJS
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	<b>Satisfactory</b> – the AMSMSRD, Section 4.8 titled ‘Dangerous Goods and Vessels’ states that: “ <i>4.8 Dangerous Goods and Vessels Under the provisions of the Dangerous Vessels Act 1985 the harbour master may also give directions to prohibit the movement to, from or in the harbour of any vessel considered to pose a grave and imminent danger to the safety of persons or property or any vessel which may by sinking or foundering seriously prejudice the use of the harbour by other vessels. However,</i>		MJS_001 MJS_038	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont.	Cont.	Cont.	Cont.		MJS_001 MJS_038	MJS
4.10 GtGP 6.4	Dangerous Vessels	Does the MSMS (or other plan) make provision for giving directions to dangerous vessels?	<i>such directions may be overridden by the Secretary of States Representative for maritime salvage (SOSREP), who may issue contrary directions to the harbour master in the interests of safety".</i> Byelaws also provide the powers that 'Vessels are not to be abandoned on the Harbour shore', and 'Vessels must be open to the Harbour Master's inspection and examination'.			
		Is the role of the SOSREP acknowledged?	<b>Satisfactory</b> – the AMSMSRD, Section 4.8 titled 'Dangerous Good and Vessels' acknowledges the role of the SOSREP.		MJS_001	MJS
GtGP 6.2	Dangerous Substances	Are there clear requirements for declaration of dangerous substances?	<b>Not applicable</b> – there are no Dangerous Goods shipped through the harbour.		n/a	MJS
GtGP 8.4	Vessel Traffic Management	Is vessel traffic managed within the port area, how is this achieved?	<b>Satisfactory</b> – the AMSMSRD, Section 4.6.2 titled 'Traffic Organisation and Management Responsibility' states that: "Traffic management requirements for Langstone Harbour have been assessed in accordance with the provisions of MGN 401 (MCA, 2022), Vessel Traffic Services & Local Port Services, Amendment 2. LHB's risk assessment showed that VTS would be inappropriate and excessive; instead a Local Port Service is provided. Vessels using Langstone Harbour are subject to the reporting requirements of Southampton VTS, which covers the approaches to Langstone Harbour." The out of hours contact is the Harbour Master and/or Deputy Harbour Master.		MJS_001	MJS
		Is vessel traffic monitoring information passed to the MCA by the quickest means?	<b>Satisfactory</b> – reporting is via VTS Southampton, evidence of Consolidated European Reporting System (CERS) seen.		MJS_042 MJS_043	MJS
		Has the need for VTS/LPS been reviewed recently?	<b>Satisfactory</b> – the need for VTS/LPS was reviewed as part of the marine risk assessment process. VTS was not identified as a future risk control.		MJS_019	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 13.2.2	Drink and drugs	Do staff know what to do if they suspect that a mariner (master, pilot, seaman) has committed an offence whilst on duty?	<b>Satisfactory</b> – Byelaw 18 states, 'Navigation under the influence of drink or drugs is prohibited'. Anecdotal information suggests that Harbour Staff understand the process to follow if a mariner is suspected of a drink or drugs offence. The Railways and Transport Safety Act 2003 is referenced in Section 3.4 of the AMSMSRD. The Langstone Harbour 'Smoke-Free, Alcohol and Substance Misuse Policy' issued by the Board 17 June 2022 contains a clear reference to The Railways and Transport Safety Act 2003.		MJS_037 MJS_064	MJS
4.11 GtGP 9.0	Pilotage	Is the port a CHA?	<b>Satisfactory</b> – LHB is listed as a Competent Harbour Authority on the DfT's list of authorities.		n/a	MJS
		Has the requirement for pilotage been reviewed?	<b>Satisfactory</b> – a Formal Risk Assessment (FRA) concluding the need for Pilotage is maintained by LHB, this was last reviewed in January 2020.		MJS_039	MJS
4.12 GtGP 9.4	Pilotage Directions	Are Pilotage Directions issued?	<b>Satisfactory</b> – pilotage directions are published on the Langstone Harbour's Website, along with fees and regulations.		<a href="https://www.langstoneharbour.org.uk/pilotage-direction">https://www.langstoneharbour.org.uk/pilotage-direction</a>	MJS
		Were stakeholders consulted during the drafting phase of the most recent Pilotage Direction?	<b>Satisfactory</b> – the directions were discussed at the Solent Operational Group (SOG).		n/a	MJS
4.13 GtGP 9.4	Authorisation of pilots	Is the process for appointing Pilots referenced in the MSMS?	<b>Satisfactory</b> – the process for appointing pilots follows the Pilot Training Plan. There are three authorised Pilots for the Authority. Pilot authorisation evidenced in 08 March 2024.  <b>Observation</b> – Pilot Authorisation Certification had not been distributed to the Pilots following the March Board meeting. Certificates were held on LHB's file server.	<b>Recommend</b> – that Pilot Certificates are issued to Pilots following authorisation.	MJS_040 MJS_041 MJS_069 MJS_070 MJS_071	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.14 GtGP 9.4.31	Pilot Training	Does the CHA implement the international regulations on the training and certification and operational procedures for pilots contained within International Maritime Organisation (IMO) Resolution A960?	<b>Satisfactory</b> – the Harbour Authority has a training plan for progressing both experienced seafarers (Merchant Navy, Royal Navy etc.) and experienced small-boat candidates through to Pilot status.		MJS_040 MJS_041	MJS
GtGP 9.5.43	Pilotage	Does the authority operate an effective Pilot Fatigue Management System?	<b>Not applicable</b> – acts of Pilotage are not frequent enough to require a Pilot Fatigue Management System.		n/a	MJS
4.15 – 4.16 GtGP 9.5	Pilot Exemption Certificates	Is a clear process for the issuing of PECs published?	<b>Satisfactory</b> – the process and requirements for gaining a PEC is detailed in the Pilotage Directions, which are published on Langstone Harbour’s Website. There are six PEC holders, at the time of audit.  <b>Observation</b> – the Pilotage Directions required that an applicant: “ <i>should be accompanied by satisfactory written evidence of medical fitness</i> ”. In light of recent incidents (MAIB, 2024) the requirement to hold a valid and in-date ENG1 as evidence medical fitness should be considered.	<b>Recommend</b> – the requirement for PEC holders (and Pilots) to hold a valid and in-date ENG1 should be reviewed at the next update of the Pilotage Directions.	MJS_057 MJS_058 MJS_059	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
Cont. 4.15 – 4.16 GtGP 9.5	Cont. Pilot Exemption Certificates	Are the requirements equivalent to those for an authorised pilot?	<p><b>Satisfactory</b> – the requirements for transits (acts) are the same as for Pilots. A PEC may be issued to any bona fide Deck Officers.</p> <p><b>Observation</b> – the Pilotage Directions should be reviewed to ensure references to Master or Mate is replaced with bona fide Deck Officers. The following occurrences were notes:</p> <p><b>Examination:</b> “A candidate must be the <u>Master or First Mate</u> of his ship to qualify for certification”. ‘Experience of ship handling, as a <u>Master or Mate</u>, within the Langstone CHA Area of Jurisdiction, will be a principal factor in establishing a candidate’s suitability to hold the Pilotage Exemption Certificate.’</p> <ul style="list-style-type: none"> <li>▪ <b>Duties:</b> When a ship in the charge of a <u>Master or Mate</u> holding a Pilotage Exemption Certificate</li> <li>▪ <b>Charges:</b> A charge will be levied per trip in respect of any ship to which this direction applies and which navigates within Langstone CHA’s area of jurisdiction under the pilotage of a <u>Master or First Mate</u> who is the holder of a Pilotage Exemption Certificate.</li> </ul>	<p><b>Recommend</b> – the replacement and update of the Pilotage Directions to remove Master or First Mate and replace with ‘bona fide Deck Officers’.</p>	<p><a href="https://www.langstoneharbour.org.uk/pilotage-regulation">https://www.langstoneharbour.org.uk/pilotage-regulation</a></p>	MJS
GtGP 8.7.15 – 8.8.10	Port Passage Plan	Is there a published passage plan?	<p><b>Satisfactory</b> – LHB has a port passage plan, passage plan, evidence of a passage plan to Kendall’s Wharf sighted. The port also uses a specific master/pilot exchange form. The port passage plan process updated in September 2024 to account for localised tidal conditions and vessel under keel clearance requirement. <b>The port passage plan process is recognised as an area of best practice.</b></p>		<p>MJS_044 MJS_045 MJS_046 MJS_047 MJS_072</p>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 8.10	Recreational navigation	Are recreational users of the harbour considered?	<p><b>Satisfactory</b> – LHB provides a range of publications and information to its port users, including:</p> <ul style="list-style-type: none"> <li>▪ Tide tables for the harbour</li> <li>▪ Harbour Guide (issued annually)</li> <li>▪ Wildlife leaflets</li> <li>▪ Playsafe Canoe</li> <li>▪ Playsafe Wildlife</li> <li>▪ Kayak Leaflet</li> <li>▪ Caring for Langstone Harbour (Friends of Langstone Harbour)</li> <li>▪ Solent Seals Code of Conduct (jointly issued with Chichester Harbour Conservancy)</li> </ul>		<a href="https://www.langstoneharbour.org.uk/safety-in-the-harbour">https://www.langstoneharbour.org.uk/safety-in-the-harbour</a>	MJS
4.17 – 4.20	Collecting Dues	Are dues clearly defined?	<p><b>Satisfactory</b> – certain sections of The Harbours, Docks &amp; Piers Clauses Act, 1847 were incorporated with the Langstone HRO 1985 (SI 1985 No. 1554), including Section 34 concerning the collection of rates and Section 33 Open Port Duty. Charges are identified on the Langstone Harbour’s Website. A schedule of charges, for 2024/2025 is published on the Langstone Harbour’s Website.</p>		<p>MJS_001 MJS_038</p> <p><a href="https://www.langstoneharbour.org.uk/leisure-vessel-dues">https://www.langstoneharbour.org.uk/leisure-vessel-dues</a></p> <p><a href="https://www.langstoneharbour.org.uk/tariffs">https://www.langstoneharbour.org.uk/tariffs</a></p>	MJS
4.21-4.23	Aids to Navigation	Are defects and rectification of defects recorded?	<p><b>Satisfactory</b> – local Aids to Navigation (AtoN) under the management of LHB in its role as LLA were inspected on 07 May 2024 by Trinity House. Trinity House concluded that: <i>“Availability for IALA Category 2 AtoN was slightly below target but is currently improving. All [AtoN] were found to be in good order at the time of the audit”</i>. It is also noted the LHB has requested that the discontinuation of AtoN along the Bedhampton Channel. Detailed evidence supporting this application was shown with the supporting user consultation and risk assessment discussed.</p>		<p>MJS_062 MJS_063</p>	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
4.24	GLA returns	Are returns made to the GLA?	<p><b>Satisfactory</b> – regular returns and correspondence with the GLA were noted during audit, the three-yearly AtoN availability statistics were sampled. These identify that:</p> <ul style="list-style-type: none"> <li>▪ Cat 2: target availability is set at 99.0% - LHB achieved 98.26% availability.</li> <li>▪ Cat 3: target availability is set at 97.0% - LHB achieved 98.87%.</li> </ul> <p>Category 3 AtoN at LHB therefore meets and exceeds the minimum 'International Association of Marine Aids to Navigation and Lighthouse Authorities' (IALA) availability targets. Category 2 AtoN at LHB falls short by 0.74% on the target availability. However, Trinity House commented that all AtoN were in good order at the time of audit and the availability statistic is affected by historic outages.</p>		MJS_062 MJS_063	MJS
4.25-4.32	Wrecks, Abandoned or unseviceable vessels	Does the MSMS refer to powers for dealing with wrecks?	<p><b>Satisfactory</b> – the AMSMSRD, Section 4.3 titled 'Wrecks and Abandoned Vessels' states: <i>"The Board has powers under s.252, Merchant Shipping Act 1995 (as amended); s56, Harbours, Docks &amp; Piers Clauses Act 1847; s32, Pier and Harbour Order (Langstone Harbour) Confirmation Act 1962 and local harbour byelaws to remove and, if necessary, destroy abandoned vessels.</i> During 2022 to 2024 staff at Langstone Harbour have dealt with a number of wrecks at Eastney Peninsular. This has been undertaken jointly with Portsmouth City Council.</p>		MJS_001	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP 9.4.17 -9.4.21	Pilot Launches	Do pilot boats meet statutory requirements and appropriate Codes?	<b>Satisfactory</b> – LHB uses a contracted service for Pilot Boats, operated by Associated British Ports (ABP). This method of operation has been in place for many years. There is no formalised contract to provide a Pilot Boat, this point has been considered by the Harbour Team with the current arrangement seen as flexible and pragmatic. It also ensures that ABP, as the VTS operator, have oversight of Pilot Boat operations which includes LHB’s Pilot Embarkation and Disembarkation activities.		n/a	MJS
GtGP - 10	Towage Operations	Does the organisation produce towage guidelines?	<b>Not applicable</b> – commercial towage does not operate within the Harbour.		n/a	MJS
		Is there a process for approving towage providers?	<b>Satisfactory</b> – the AMSMSRD, Section 7.6.2 under the title ‘Towage’. This states that: <i>“Only staff who have successfully completed an in-house towage training are permitted to take vessels in tow without supervision. The LHB has approved a set of Towage Guidelines. Non-routine towage, or tows falling under the Pilotage Direction will be discussed in advance with the Harbour Master. An individual risk assessment can then be made and a Towage Plan developed in consultation with the Mater(s) involved”</i> . Towage guidelines are published by LHB for the harbour community.		MJS_001 MJS_073 MJS_074  <a href="https://www.langstoneharbour.org.uk/_files/ugd/3a32f8_1e2e85c31f6b4779a845781012f2baaa.pdf">https://www.langstoneharbour.org.uk/_files/ugd/3a32f8_1e2e85c31f6b4779a845781012f2baaa.pdf</a>	MJS
		Are non-routine tows pre-approved / managed by the organisation?	<b>Satisfactory</b> – non-routine towage is addressed in the AMSMSRD, Section 7.6.2. Any non-routine tows must be discussed in advance with the Harbour Master. This is also address in Langstone Harbour’s Website.		MJS_001  <a href="https://www.langstoneharbour.org.uk/towage">https://www.langstoneharbour.org.uk/towage</a>	MJS
GtGP 1.9.11	Licensing Harbour Tugs?	Does the harbour authority have the power to licence tugs?	<b>Not applicable</b> – LHB does not have powers to licence tugs.		n/a	MJS

PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP - 10.4	Diving Operations (commercial)	Is there a process for managing commercial diving?	<b>Satisfactory</b> – part of the Harbour Patrol function is the management of diving operations. To dive commercially, a permit is required which can be applied for by downloading an application from the Langstone Harbour's Website. The AMSMSRD Section 7.6.4 states: <i>'Diving within the harbour may not be undertaken without notifying the Harbour Master. HSE Commercial Diving standards and practices must be complied with.'</i> Permit from 12 September 2024 evidenced.		MJS_001 MJS_049 MJS_060	MJS
GtGP - 10.4	Diving Operations (recreational)	Is there a process for managing recreational diving?	<b>Satisfactory</b> – the Langstone Harbour's Website states that: <i>"Diving in Langstone Harbour is strictly controlled and may only take place with the prior permission of the Harbour Master"</i> . Byelaw 61 'Diving Operations from Vessels or Otherwise' applies to the Master of every vessel, irrespective of size, engaged in diving operations. Byelaw 73 requires that: <i>"No person shall bathe, swim, dive or engage in underwater activities except with the permission of the Authority"</i> .		MJS_001 MJS_037  <a href="https://www.langstoneharbour.org.uk/swimming-and-diving">https://www.langstoneharbour.org.uk/swimming-and-diving</a>	MJS
GtGP - 6.7.3	Hot Work Permits	Is there a process for managing Hot Works?	<b>Satisfactory</b> – LHB has no Hot Works permitting processes, there is no perceived risk from hot works in respect of refuelling points and a need for hot works control.		n/a	MJS
GtGP – 6.7.3	Bunkering	Is there a process for managing Bunkering?	<b>Satisfactory</b> – bunkering locations, procedures and spill response is detailed in the Authority's Oil Pollution Response Plan.		LHB Oil Spill Response Plan	MJS



PMSC / GtGP Reference	Subject	Evidence Required For Compliance	Evidence of Compliance	Recommendations	Evidence Reference	Auditor
GtGP – 11.3, 11.4	Regulation of Port Craft, Pilot Launches and Workboats	Does the Authority have a procedure for regulating port craft?	<b>Satisfactory</b> – LHB does not have powers in its Special Act to licence tugs or workboats. The 1962 Act, Clause 30 (4), provides powers for: <i>'The Board may from time to time grant licences to any person to place lay down maintain use and have existing and future moorings buoys and like apparatus and conveniences for vessels and houseboats in the harbour'</i> . Every vessel is registered and identified on the Harbour Assist web-based software. LHB owned and operated marine craft are inspected and maintained. Mooring licence terms and conditions evidenced. The vessel <i>'Delilah'</i> is not currently coded, it does however have a 'fit for purpose' certificate issued in July 2024. Evidence seen.		MJS_033 MJS_061 MJS_084	MJS

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