



# Brightlingsea Harbour Commissioners

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# **BRIGHTLINGSEA HARBOUR COMMISSIONERS** **SAFETY MANAGEMENT SYSTEM**



Issue 4, June 2023

Complying with the guidance as per the Port Marine Safety Code, and procedures from “A Guide to good practice on port marine operations”.

**Harbour Master**  
**J Thomas**

**Deputy Harbour Master**  
**O Evans**

## MCA Statement of Compliance



Brightlingsea  
Harbour  
Commissioners

Date: 21/10/20

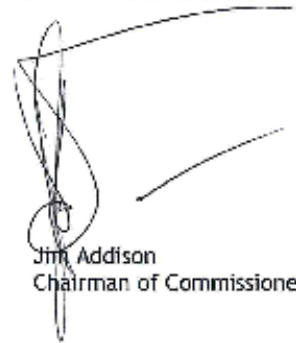
### RESPONSE TO: MIN 641 (M) MCA PORT MARINE SAFETY CODE COMPLIANCE

The Port Marine Safety Code (PMSC), which establishes the principle of a national standard for every aspect of port marine safety, is primarily intended for the individual Harbour Commissioners who are the duty holders for the harbour and directly accountable for marine safety within the harbour.

The undersigned confirm that Brightlingsea Harbour Commissioners are meeting all requirements of the PMSC.



James Thomas  
Harbour Master



Jim Addison  
Chairman of Commissioners-Duty Holder

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## **SUMMARY**

### **Purpose:**

To have a Marine Safe Management System (MSMS), operate as an effective system which has been developed after consultation, is based on formal risk assessment and refers to an appropriate approach to incident investigation.

### **Introduction:**

Brightlingsea Harbour Commissioners constitution, powers and procedures comply with the Port Marine Safety Code (PMSC 2016). This document describes how Brightlingsea Harbour Commissioners has a safety management system (SMS) comprising the seven essential elements: policy, organisation, plan, measure, review, record and continuous improvement.

### **Outline of the Safety Management System:**

- 1) Policy
- 2) Organisation
  - 2.1 Establishing a positive organisation and culture which puts the policies into effective practice.
  - 2.2 Organisation chart
  - 2.3 Training Policy
- 3) Planning
  - 3.1 Consultation
  - 3.2 Assessing risk and then adopting a planned and systematic approach to policy implementation. Risk assessments are the key for judging what safety plans are needed.
  - 3.3 Risk assessments
  - 3.4 Risk Hierarchy
  - 3.5 Management of safety controls
    - 3.5.1 Check List
    - 3.5.2 Emergency plans
    - 3.5.3 Conservancy
    - 3.5.4 Environment
    - 3.5.5 Management of Navigation
    - 3.5.6. Pilotage
    - 3.5.7 Marine Services
- 4) Measuring
  - 4.1 Measuring health and safety performance against predetermined standards

5) Reviewing

5.1 Auditing, monitoring and reviewing the performance so lessons can be learnt from all the relevant experience and are effectively applied.

6) Records

6.1 Maintaining a record of due diligence

7) Continuous Improvement

Together these three categories form the system that effectively puts policy into practice.

### **BRIGHTLINGSEA HARBOUR MANAGEMENT**

James Thomas	Harbour Master
Owen Evans	Deputy Harbour Master

### **BRIGHTLINGSEA HARBOUR COMMISSIONERS**

	Date Appointed
Andrew Scott	January 2016
Alison Johns	December 2023
Duncan Nicholson	September 2016
Patrick Foley-Brickley	October 2022
Colin Watkins	October 2022
Daniel Stoker	October 2022
Karl Lumbers	January 2024

## INTRODUCTION

### Background

The Port Marine Safety Code (PMSC) was first published in March 2000 and revised by the Department of Transport in 2009 and again in February 2016. It aims to establish an agreed national standard for port marine safety and a measure by which harbour authorities can be held accountable for the legal powers and duties that they have to run their harbours safely. The format is similar to that of the International Standards Organisation (ISO) for Quality Management Systems. The aim of this document is to describe and direct how Brightlingsea Harbour Commissioners (BHC) complies with the PMSC and how it will continue to do so.

### Brightlingsea Harbour Commissioners

The plans and policies for the harbour discharge the roles and statutory duties which are placed on the harbour by the Brightlingsea Harbour Act 1927 and subsequent revision orders.

Brightlingsea Harbour is a small mixed leisure and commercial port with a rich heritage, situated in Brightlingsea Creek close to the mouth of the Colne Estuary where it meets the Blackwater and Thames Estuaries.

The Harbour is within a nature conservation area of international importance. The River Colne is navigable on the tide for 7 miles to Colchester in Essex and the River Blackwater is navigable for 11 miles to Maldon. Brightlingsea is a day sail from most ports on the Thames Estuary.

Brightlingsea Harbour Commissioners is a Competent Harbour Authority (CHA) and Trust Port managed by Brightlingsea Harbour Commissioners. The Harbour Master leads a dedicated team of permanent and seasonal staff who oversee the day to day activities within the Harbour.

Brightlingsea Harbour is also the Local Lighthouse Authority for the River Colne from Colne Bar to the entrance to the Roman River.

The statutory harbour limits are shown in a diagram in Appendix A

The Board of harbour commissioners comprises of seven persons, plus the Harbour Master. The terms of reference of the commissioners are to administer Brightlingsea Harbour in accordance with the Brightlingsea Harbour Act 1927 together with the appropriate Harbour Revision Orders and the principles of governance promoted in Modernising Trust Ports, a Guide to Good Governance in conjunction with the PMSC.



## Managing Brightlingsea Harbour - The Marine Safety Management System

Brightlingsea Harbour Commissioners aims to:-

- Undertake and regulate marine operations so as to safeguard the Harbour, its users, the public, and the environment.
- Run a safe, efficient, cost effective, sustainable harbour operation for the benefit of all users and the wider community.
- Fulfil its legal responsibilities whilst meeting the changing needs of all harbour users.
- Maximise the quality and value for money of its services, and to maintain dues at a competitive level so as to attract users to the harbour.
- Meet its commitments as the Local Lighthouse Authority and Pilotage Authority for the River Colne and Brightlingsea.
- Meet the national requirements laid out in the Health and Safety at Work Act 1974, Merchant Shipping Legislation and the Port Marine Safety Code.

### Public Documents

Management of these safety controls and procedures are set out in existing public documents, which, together form a cohesive web of management. As appropriate, relevant sections of these documents are cross-referenced to PMSC standards:

- 1) Brightlingsea Harbour Act 1927 and subsequent Revision Orders  
Brightlingsea Harbour Bye Laws 1991  
Health & Safety at Work Act 1974  
Harbours Docks & Piers Act 1847  
Pilotage Act 1987
- 2) Admiralty chart 3741  
Port Marine Safety Code  
Managing Trust Ports - A Guide to Good Governance
- 3) Pilotage Directions & Port Entry Criteria  
Code of Practice for the Boarding of Pilots  
Brightlingsea Emergency Plan  
Brightlingsea Oil Spill Contingency Plan  
Brightlingsea Waste Management Plan
- 4) Local Notice to Mariners  
Brightlingsea Harbour Sketch Map of Approaches

## **POLICY - SETTING THE STANDARD**

**BHC has developed a marine safety policy to facilitate safe navigation and operation of vessels within the statutory harbour of Brightlingsea. It is BHC policy that it shall:**

- Develop and maintain an effective Marine Safety Management System (MSMS) according to the requirements of the Port Marine Safety Code (PMSC) to enable the harbour to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment.
- Use risk assessment techniques to identify hazards and risks within the harbour and put in place suitable risk control measures to ensure that the risks identified are as low as reasonably practicable and that the appropriate emergency plans are in place and are well practised.
- Monitor and manage the navigation of vessels within the harbour's limits.
- Consult widely with employees, harbour users and other relevant stakeholders in respect of marine safety issues.
- Ensure that an efficient safe and appropriate level of pilotage is available in accordance with the Pilotage Act 1987.
- Undertake hydrographical surveys and maintenance dredging to ensure that the hydrographic regime is protected.
- Place and maintain navigational marks where they will be of best advantage to vessels.
- Promulgate any relevant marine safety information to harbour users.
- Regularly review the effectiveness of BHC's legal powers, byelaws and directions in respect of marine safety.
- Evaluate the safety performance of BHC through reporting systems contained within the Marine Safety Management System.
- Employ suitably qualified personnel and provide the necessary training to ensure that they are competent within the functions they are required to perform and have sufficient resources to implement procedures and systems effectively.
- Ensure that where required, the craft used within the harbour have the necessary certification and are fit for purpose and the crew are appropriately trained and qualified for the tasks they are likely to perform.

This policy will be reviewed on a regular basis with due consideration being given to any changes to the operating environment, the organisation and legislation.

Brightlingsea Harbour Commissioners is committed:

- To ensure that the best channels for navigation are determined, marked and monitored.
- To monitor lights and marks used for navigation within their jurisdiction
- To provide hydrographic surveys of the harbour when required for the maintenance of up-to-date charts (including diagrammatic charts of all mooring areas).
- To have an effective system for the promulgation of navigational warnings affecting the harbour.
- To consider the effect of weather on harbour safety and promulgate warnings as required.
- To consider the effects on harbour safety of proposed changes in use or harbour works
- To maintain up to date byelaws or General Directions in consultation with stakeholders and enforce them so as to effectively regulate harbour use
- To enforce all relevant statutory Harbour legislation, Health & Safety regulations, the Merchant Shipping Act and Harbour Byelaws as necessary
- To provide suitable resources to deliver effective marine services such as the provision of the pilot boat and harbour launch
- To carry out all its functions with special regard to the possible environmental impact, protecting the character of the harbour
- To operate efficiently and safely the harbour workshops, machinery, plant, equipment, Harbour vessels, pontoons, moorings and fuel barge
- To ensure that suitable plans for emergency situations are maintained and regularly updated and exercised
- To keep the duties and powers under review
- To confirm the roles and responsibilities of key personnel at the harbour
- To outline present procedures for marine safety within the harbour and its approaches
- To measure performance against targets, after building a database recording incidents, including near misses
- To be audited on a regular basis

All employees have a duty to:

- Take reasonable care regarding their own health and safety and that of other harbour users who may be affected by their acts or omissions
- Comply with all harbour safety procedures laid down by Brightlingsea Harbour Commissioners
- Report all hazards, risks, accidents, incidents or near misses to the Harbour Master

Harbour users operating both commercially and for pleasure are responsible for:

- Their own health and safety and that of other harbour users insofar as they may be affected by their acts or omissions

- Comply with byelaws, directions and other regulations aimed at ensuring the safe use of the harbour

#### Nominated Harbour Safety Officer

The Harbour Master is the safety officer. In his absence urgent safety matters should be referred to the Deputy Harbour Master.

#### Emergencies in the Harbour

Emergencies where life is in danger must be notified without delay to the appropriate emergency service by dialling 999 or via VHF Ch16; other non-emergency matters should be notified to the Harbour Office by the quickest available means.

#### Reporting of Accidents, Incidents and Near Miss

The public are asked and expected to bring matters of safety - all accidents, incidents and near misses - promptly to the attention of the Harbour Office.

## ORGANISATION

### Accountability and Responsibility - The Duty Holder

In accordance with the PMSC, members of the Board of Brightlingsea Harbour Commissioners are, jointly, the Duty Holder. They are collectively and individually responsible and they cannot assign or delegate their accountability for compliance with the Code on the grounds they do not have particular skills.

Brightlingsea Harbour Commissioners sets the policy and strategy. The Harbour Master and staff provide the means of implementing the policy.

Any decisions taken, or policy set must take into account any issues relating to harbour safety. The consideration of such issues is to be minuted. The Board is responsible for deciding where risks are to be insured, disclaimers issued and notices displayed.

The delegation of responsibility is contained in the detailed job descriptions for all members of staff. The organisation of harbour staff is shown in the Organisation Plan in section 2.2.

The Designated Person for Brightlingsea Harbour as described in the PMSC is Captain Jack Irwin, of Stena Line. The Designated Person has direct communication access to Brightlingsea Harbour Commissioners

### Competence Standards

BHC shall assess the fitness and competence of all persons appointed to positions with responsibility for safe navigation. Employees of the Harbour are recruited and selected on their suitability to fill their job descriptions.

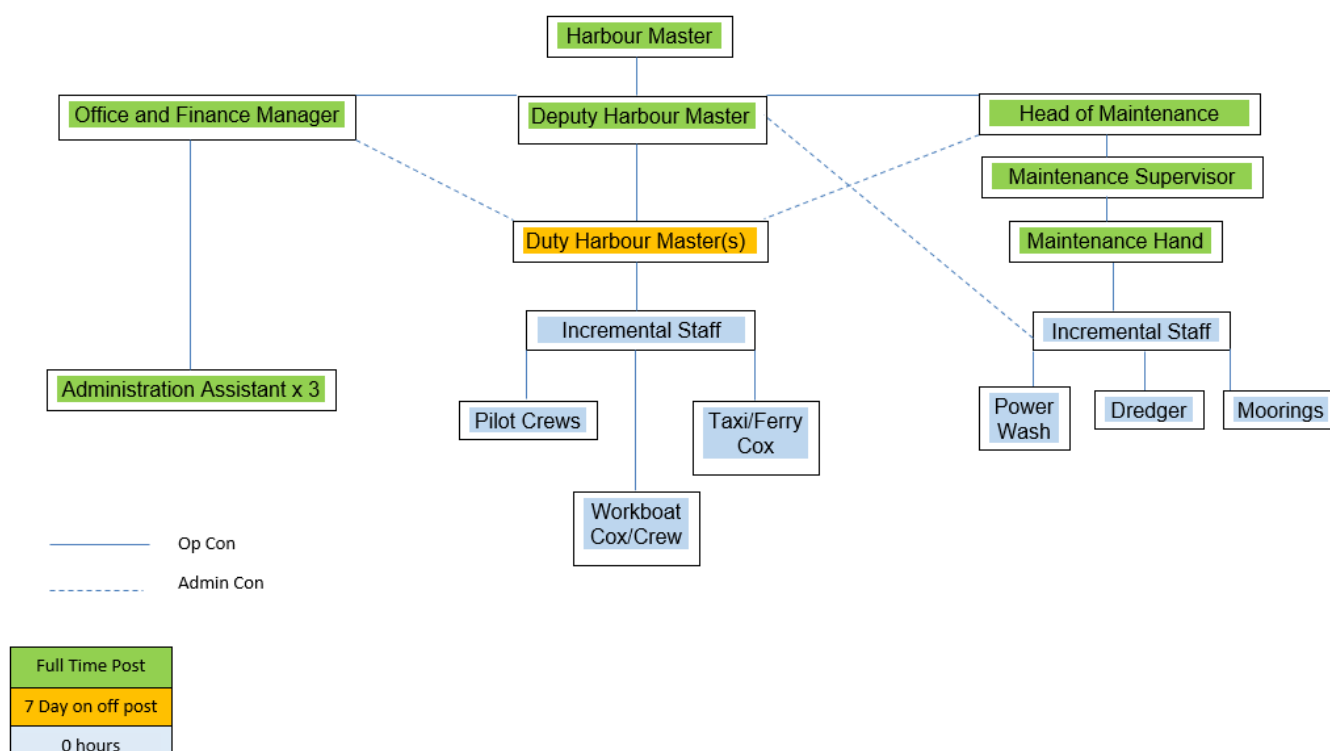
Employees are appraised annually and at that time their job description, performance and training requirements are reviewed.

Reports on harbour staff are held in confidential personnel files in the harbour office.

### Recruitment

The Harbour Master recruits suitably qualified staff within his reporting chain to fill the roles set out in the Organisation Plan. Other positions are recruited by the Commissioners.

## Organisation Plan of Brightlingsea Harbour Commissioners



## Training Policy

It is recognised that the successful implementation of the Marine Harbour's Safety Management System can only be achieved through a policy of continuous training, with regular reviews of specific training requirements.

The training policy is to undertake training where appropriate for all members of staff, whether permanent or seasonal employees, in order to provide the services required by the Board and to meet the required standards. Staff are to be suitably trained to be competent and qualified to a standard where they can fulfil their roles within the organisation.

Safety training is regarded as an indispensable ingredient of an effective Port Marine Safety Management system and programme, as it is with Health and Safety matters. It is essential that all involved in the management and operation of the harbour are trained to perform their roles safely.

The main training profile for the Harbour is to ensure that relevant members of staff are qualified to operate the work boat/ pilot boat especially when on pilotage duty, harbour launches, ferries, water taxi and any other craft used or capable of being used for carrying

passengers together with the many other items of equipment used in the daily operation of the Harbour including such items as the fuel jetty. This includes the re-validation of qualifications where necessary.

All permanent members of staff working afloat have undertaken and qualified to the RYA Advanced Powerboat Level or above. Senior members of staff hold a minimum of RYA Yachtmaster, RYA Advanced Power with a commercial endorsement, or MCA COC which includes a current and valid ML5 or ENG1 medical certificate with no restrictions.

There will be induction training for any seasonal staff prior to the commencement of their duties. It is vital that new members of staff are promptly qualified in those areas where deficiencies are recognised. Staff will not be permitted to work without supervision unless they are adequately trained.

Members of staff are trained both internally and externally to achieve the requisite level of competence. The importance of 'on the job' training in the workplace is not underestimated. In-house training forms an invaluable part in achieving high standards of safety and quality. Records of training will show clearly the type and the date of training received by individuals and a schedule of future training requirements.

Regular staff meetings are held to ensure good communications and quality, both in service and in delivering health and safety. Notices and memorandums are communicated to staff by using the notice board or staff Facebook group.

## PLANNING

### Consultation

Brightlingsea Harbour Commissioners recognise the importance of consultation whilst developing policies and procedures for the discharge of their duties and powers. BHC also acknowledges that the Marine Safety Management System will only be effective if there is commitment and involvement from all those who work in and use the harbour. It is important that these parties are given the opportunity to contribute to assessments which could have an effect on their operations. In addition to harbour users, BHC will consult with the appropriate local interested parties during the development of policies and procedures.

### Consultation with Stakeholders

The main vehicle for consultation with harbour users, in line with the Guide to Good Governance is via Stakeholder meetings, which meet twice each year. These groups are made up of representatives of the following:

#### Leisure & Community Advisory Group (not exhaustive)

- Colne Yacht Club
- Brightlingsea Sailing Club
- Brightlingsea USC
- Brightlingsea Coastal Rowing Club
- Brightlingsea Waterski Club
- Brightlingsea Town Council
- Colne Smack Preservation Society
- RYA
- Wildfowlers
- Essex Wildlife Trust
- Point Clear Residents Association
- Waterside Marina Residents Association
- Tendring District Council
- Colchester Borough Council
- Fingringhoe Ranges
- Local Landowners
- St Osyth Parish Council
- Wivenhoe Sailing Club

#### Commercial Advisory Group (not exhaustive)

- French Marine Motors
- Morgan Marine
- JJ Prior & Son
- Harwich Pilots Association
- D B Marine Ltd
- St Osyth Boatyard
- Colchester Oyster Fishery
- IFCA
- Charter Fishermen



Orsted  
Brightlingsea Boat Maintenance  
Brightlingsea Park & Ride  
Advantage Sails  
White Formula  
Underwoods Yard  
Olivers Wharf

*In addition to these groupings, individuals are welcome to attend and contribute without invitation.*

In the event of BHC proposing a significant change within the harbour, it will endeavour to canvas the views of as many interested parties as possible. This process will be initiated as soon as practically possible.

Risk assessment forms are an integral part of day-to-day operations of BHC. This means that there may be occasions when an unusual operation requires a review to be undertaken where it will be impractical to have any significant level of consultation or to publish documentation.

#### Consultation with Employees, Contractors and Other Service Providers

BHC recognises that in order for a Safety Management System to be effective and to operate in the way it was intended, it is essential to involve their own personnel at all levels. Where a new system is being implemented and risk assessments are being carried out, BHC will involve harbour personnel at all levels from direct employees to service providers operating within the harbour all of whom are expected to contribute to the safe working of the harbour.

#### Assessing Risk

It is the policy of BHC to have powers, policies, plans and procedures based on a formal assessment of hazards and risks, as part of the formal marine safety management system.

#### Detailed Risk Assessments

There is a detailed risk assessment following the principles laid down by the Health & Safety Executive for each of the activities and responsibilities of BHC recorded in a separate file held in the harbour office.

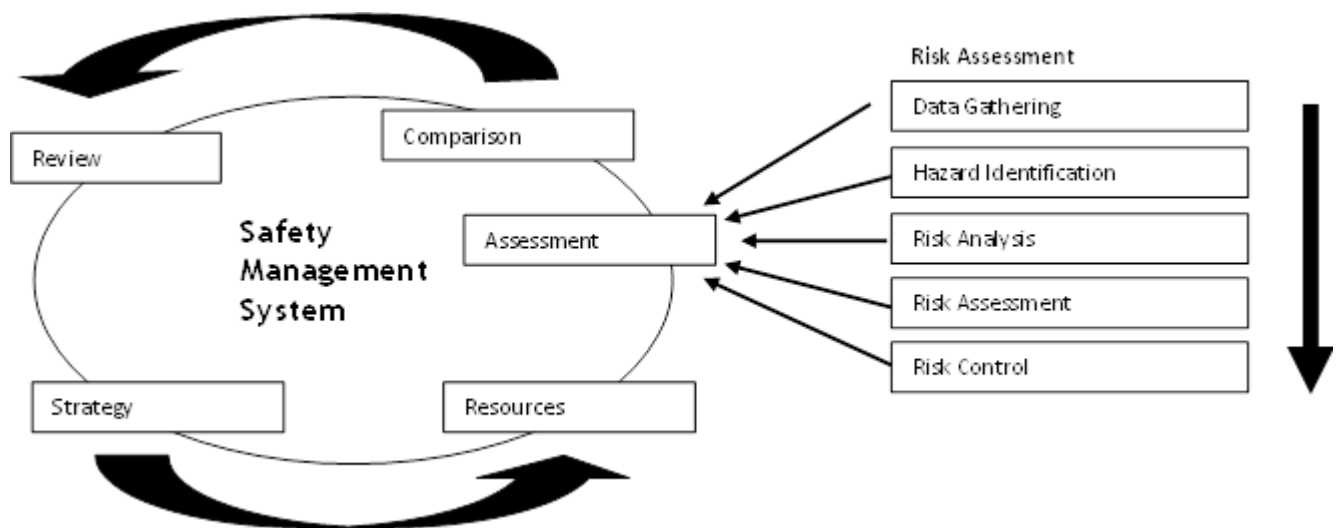
The aim of this process is to eliminate the risk, or failing that, to reduce risks to as low as reasonably practicable.

Formal risk assessments shall be used to:-

- Identify hazards and analyse risks;
- Assess those risks against an appropriate standard of acceptability;
- Where appropriate, consider a cost-effective assessment of risk reducing measures

The level of risk is determined after considering the risk to life, to the environment, to port operations and to port users.

The process of compiling the risk assessment is shown in the flow-chart below:



Each hazard is given a likelihood rating between 1 and 5; 5 being the more likely. Against each hazard the severity of harm has then been assessed, both in terms of direct injury to people, property and environmental damage, again using a scale of 1 to 5. For personal injury, a 'score' of 5 represents the risk of a major injury or a fatality. For environmental damage, 5 is given if regional assistance is required.

#### Significant Risks

The likelihood is multiplied by the severity to establish significant risks. These are identified by those activities that produce a score of 6 or more on each Risk Assessment. These risks must be mitigated by the implementation of specific control measures.

If for any reason, the SMS identifies a control measure that is not effective the activity is to cease until suitable control measures are in place and the risk mitigated to as low as reasonably practical.

#### Risk Controls

The safety controls employed for the risks identified are shown on each Risk Assessment and are to be reviewed and amended where necessary.

#### Risk Assessment

Detailed Risk Assessments are recorded and kept in a dedicated folder in the harbour office and on the harbours online internal server.

Organisers of specific events that are held in the Harbour; e.g. Town regatta, Firework display, Gig racing event, will lodge a copy of their risk assessment for the event with the Harbour Master at least 3 weeks prior to the event.

## Risk Hierarchy

There is a preferred hierarchy of risk principles:

- Eliminate risks by avoiding a hazardous procedure, or substituting a less dangerous one
- Combat risks by taking protective measures to prevent risks
- Minimise risk by suitable systems of working

## Management of Safety Controls

### 3.5.1 Check List for Safety Controls

<b>Marine MSMS Section</b>	<b>Procedure/Form/Log Checklist Used to Implement Policy</b>
Harbour Safety	<ul style="list-style-type: none"><li>▪ Safety equipment on pontoons in good order</li><li>▪ Fire extinguishers on pontoons in good order</li><li>▪ Safety ladders on pontoons in good order</li><li>▪ Daily inspections of moorings</li><li>▪ Safety equipment on Town Jetty checked</li><li>▪ Safety and oil spill equipment on fuel berth checked</li><li>▪ Safety equipment aboard Harbour vessels checked</li><li>▪ Notices displayed for Town Jetty use</li><li>▪ All fire extinguishers serviced annually</li></ul>
Management of Navigation	<ul style="list-style-type: none"><li>▪ Notices to Mariners promulgated in appropriate timely manner.</li><li>▪ Port entry criteria reviewed and circulated</li><li>▪ Vessel arrival data forwarded to appropriate authorities and organisations</li><li>▪ Consolidated European Reporting System</li><li>▪ CERS registration data complied with</li><li>▪ Periodic checks on passage plan for non-piloted vessels</li><li>▪ Vessel movement log completed</li><li>▪ Risk and operational assessments being performed on unusual operations</li><li>▪ Existence of documentation where deviation from normal procedure has been agreed</li><li>▪ Standing orders being adhered to</li><li>▪ Suspension of pilot facilities in times of bad weather</li><li>▪ Vessel defects being reported to MCA</li><li>▪ List of vessels banned from EU ports kept up to date</li><li>▪ Procedures followed for issue, renewal and management of PEC's</li><li>▪ Harbour Office displays weather forecasts &amp; tidal information</li><li>▪ Submit quarterly reports to LARS</li><li>▪ Navigation marks regularly checked. Vessel reports followed up</li><li>▪ Fairway survey and dredging as required</li></ul>
Pilotage	<ul style="list-style-type: none"><li>▪ Periodic Pilotage Review</li><li>▪ Pilots checking PPE and wearing in correct manner</li><li>▪ Man overboard exercises being performed as per requirements</li><li>▪ Pilot tripping log maintained</li><li>▪ Pilot boat log maintained</li><li>▪ Annual Pilots' meeting</li></ul>
Conservancy	<ul style="list-style-type: none"><li>▪ Incidental inspection of all nav aids</li><li>▪ General maintenance of navigational aids (annual)</li><li>▪ Annual review of berths &amp; channels for surveying requirements</li><li>▪ Dredging schedule and charts kept up to date</li></ul>

	<ul style="list-style-type: none"> <li>▪ Post survey review performed</li> <li>▪ Change in Navaid status</li> <li>▪ Monthly calibration of tide gauge performed</li> </ul>
Marine Personnel	<ul style="list-style-type: none"> <li>▪ Job descriptions in line with responsibilities relating to marine safety</li> <li>▪ Training needs identified</li> <li>▪ Personnel training courses attended</li> <li>▪ Appropriate PPE provided</li> <li>▪ Lifejackets worn when afloat and within 5m of quayside</li> <li>▪ Lifejackets serviced annually</li> </ul>
Marine Services	<ul style="list-style-type: none"> <li>▪ Confirm certification of boats &amp; crews operating in the port</li> <li>▪ Method statements written for each service</li> <li>▪ Staff trained in use of fuel jetty</li> </ul>
Consultation	<ul style="list-style-type: none"> <li>▪ Consulting with users/interested parties on issues relating to marine safety</li> </ul>
Risk Assessment	<ul style="list-style-type: none"> <li>▪ Risk Assessment being applied to unusual operations or changes as identified in Marine SMS</li> <li>▪ Annual review of Risk Assessments</li> <li>▪ Correct methodology being applied</li> <li>▪ Appropriate persons attending and information circulated to all appropriate parties</li> <li>▪ Actions closed out</li> <li>▪ Follow-up review meetings taking place</li> </ul>
Emergency Response	<ul style="list-style-type: none"> <li>▪ Emergency exercises being carried out</li> <li>▪ Appropriate de-briefing and promulgation of information carried out</li> <li>▪ Personnel trained for emergency response</li> </ul>
Recreational Navigation	<ul style="list-style-type: none"> <li>▪ Formal application submitted for Events/Regatta</li> <li>▪ Risk assessment submitted to the harbour</li> <li>▪ Consultation taking place with recreational users</li> </ul>
Incident Reporting	<ul style="list-style-type: none"> <li>▪ Reports being completed correctly</li> <li>▪ Incidents review regularly and any recommendations implemented</li> <li>▪ Investigations being carried out in timely manner and closed out appropriately</li> <li>▪ Information circulated to appropriate persons</li> </ul>
Electrical	<ul style="list-style-type: none"> <li>▪ PAT test carried out to office and workshops annually</li> <li>▪ Inspection and test of all circuits</li> <li>▪ Smoke alarms tested</li> <li>▪ Emergency lighting tested</li> </ul>
Document Control	<ul style="list-style-type: none"> <li>▪ SMS document kept up to date</li> <li>▪ Activities logged for audit purposes</li> <li>▪ Emergency Plan</li> <li>▪ Oil Spill Contingency Plan</li> <li>▪ Waste Control Plan</li> <li>▪ Flood risk plan</li> </ul>

### Emergency Plans

The Port Marine Safety Code states that the Marine Safety Management System should include preparations for emergencies and that these should be identified as far as practicable from the formal risk assessment. It also states that these should be published and exercised.

This section provides guidance on the BHC Emergency Response Plan. Further details are available in the plan itself. For pollution response further information is available under the Oil Spill Contingency Plan that BHC has implemented as required by the OPRC Regulations.

### Responsibilities

The Harbour Master has the overall responsibility for the operational aspects of emergency response. However, the ultimate responsibility and accountability lies with the board of BHC to ensure that all the necessary systems are in place to support this process.

### Emergency Response Exercises

BHC has an emergency response exercise schedule which is based on risk assessment and enacted to ensure there is familiarity with the emergency response plan and a sound understanding of roles and responsibilities. The schedule relies on seminars, table top exercises and live exercises and also a means for revising and improving the emergency plan itself.

Both the risk assessment and the exercise schedule are reviewed to give account to changes in port operations and any variations in risk that may occur.

### Conservancy

There is a duty to conserve the harbour so it is reasonably fit for use as a Port and for a vessel to use. The conservancy duty covers specific requirements which are outlined in the Port Marine Safety Code as follows:

- to survey (and re-survey as regularly as necessary) to find the best navigable channel or channels;
- to place and maintain navigation marks where they will be of best advantage to navigation, marked appropriately for day and night use;
- to keep “vigilant watch” for any changes in the sea or river bed affecting the channel or channels and move or renew navigation marks as appropriate;
- to keep proper hydrographic and hydrological records;
- to publish as conspicuously as possible such information to supplement the guidance given by navigation marks.
- The BHC Hydrographic policy is published at Annex A.

The following responsibilities and procedures are implemented by BHC to achieve this.

### Responsibilities

The Harbour Master has established an effective hydrographic survey programme for Brightlingsea Harbour to establish and confirm the depths of berths, moorings, channels and fairways. A system is in place to inform port users of any shoaling or obstructions identified during survey work. The harbour has one identified visible wreck but should a new wreck occur, it will be marked and removed. A programme of regular dredging is in place to maintain published depths. Tide gauges are maintained at strategic locations around the

harbour to provide mariners with real time observations for safety of navigation as well as published electronically. The provision of hydrographic information is conducted in accordance with the Code of Practice developed by the United Kingdom Hydrographic Office.

#### Maintenance dredging

Planned maintenance dredging will be carried out as required and will be based on the review of the annual surveys. A licence may be required by the harbour to cater for the dumping of spoil if this is required.

Localised unscheduled dredging/scarifying will also be performed in response to localised surveying. The Harbour Master will maintain the dredging schedule and charts.

#### Capital dredging

The Harbour Master will raise any requirements for capital dredging. This is planned and executed as an unusual operation.

#### Incident reporting

Incidents or observations made within the harbour will be reported to the Harbour Master using an Incident Report Form, a blank copy is shown in Appendix B and can be obtained in the harbour office. In the event of a verbal report being made directly by VHF or telephone, a written report will be required to be submitted to the Harbour Master.

On receipt of a report the Harbour Master will determine the course of action to be taken and in any event, all incident reports will be reviewed on a regular basis.

#### Management of Navigational Aids

The harbour has a comprehensive, well maintained and modern system of aids to navigation based on risk assessment, installed in accordance with the requirements of Trinity House who are informed of any proposed change in status and the reason behind the change in the status.

The Harbour Master is responsible for maintaining a navigational aid inventory and distributing updates accordingly to the groups identified in the list for promulgation of navigational information.

The inventory provides details on:

- Date of inventory issue
- Type of navigational aid
- Position and projection
- Class
- Characteristics
- Responsibility for maintenance

#### Use of Navigational Aids

The navigational aids within the harbour are active at all times.

### Maintenance of Navigational Aids

BHC has implemented an annual inspection and maintenance schedule to ensure all water and shore based Navigational Aids in the Harbour and Local Lighthouse Authority area are well maintained. The Harbour Master reviews this schedule annually. The Harbour Master monitors the planned maintenance and maintains the annual records of any maintenance conducted. The Harbour Master may revise the maintenance schedule at any time. As the Local Lighthouse Authority, the Board communicates its requirements and the requirements of Trinity House to other bodies with responsibilities for maintenance of navigation aids within its jurisdiction.

It is the responsibility of the Harbour Master to ensure that the appropriate persons are informed of the navigational aid status within the harbour.

It is the responsibility of the Harbour Master to monitor the progress of any repair and promulgate information as appropriate.

The Harbour Master has the responsibility of retaining and recording all the information required for assessing the performance of the navigational aids according to the LARS system audited by Trinity House. This information may be used for revising the Maintenance Schedule.

### Regulation of Construction Works

Any construction work within or neighbouring the harbour is to be planned in consultation with the Harbour Master to ensure navigational safety is not compromised. This process is recorded for audit.

### Promulgation of Information

The Harbour Master will ensure that all relevant parties are kept informed of the navigational status of the harbour. A circulation list for Notices to Mariners is maintained on the computer in the Harbour Office but typical parties that should be informed include:

- Pilots (and PEC holders if any)
- Harbour Users
- Harbour Staff
- UK HO
- UK Coastguard
- Shipping Agents
- Trinity House
- Local yacht clubs and other leisure interests

### Performance Monitoring and System Audit

Apart from the internal audit system employed in this Marine Safety Management System, Trinity House carry out their own annual night and day inspection of all navigation aids within the Local Lighthouse Authority jurisdiction together with a separate audit of the reporting procedures to Trinity House.

### Environment

BHC recognises its duty to exercise its function with regard to nature conservation and other related environmental considerations. The Board will undertake and regulate all harbour

activities in a manner sympathetic to the environment and in accordance with the best principles and practice of conservation.

The Harbour Master maintains good liaisons and working links with Natural England and the Environment Agency, who are consulted where appropriate, prior to works taking place.

BHC maintains a Waste Management Plan, approved by the MCA and reviewed every four years. Four separate bins are provided in the Boat Park for use of resident and visitor vessels, the contents of which are collected weekly. The contractor employed carries out a recycling schedule and approximately 80% of the waste collected from the harbour avoids going to land-fill.

Waste from commercial vessels is not normally landed at Oliver's Wharf.

### Management of Navigation

#### Policy for the Management of Navigation

There is a general public right of navigation in tidal waters, subject to the payment of proper tolls and dues and to the provisions of any laws regulating the operation of the Harbour which impose special restrictions on the otherwise general freedom of navigation. It follows that BHC has the powers to regulate the entry and movement of any vessel within the harbour to ensure safety of navigation. The Port Marine Safety Code cites the general principles as:

- Ports have rules in Byelaws and Directions, which every user must obey as a condition of his or her right to use the harbour.
- Harbour Authorities have a duty to make proper use of powers to make Byelaws and to give Directions (including pilotage directions) to regulate all vessel movements in their waters.
- These powers should be exercised in support of the policies and procedures developed in the Authority's Marine Safety Management System and should be used to manage the navigation of all vessels.
- Harbour Authorities should have clear policies on the enforcement of Directions and should monitor compliance.
- Powers of Directions should be used to require the use of port passage plans in appropriate cases - whether vessels are piloted or not.

#### Responsibilities

The Harbour Master has the overall responsibility for the operational aspect of managing navigation within the Statutory Harbour of Brightlingsea. However the ultimate responsibility and accountability lies with the Harbour Commissioners to ensure that all the necessary systems are in place to support the process.

#### Risk assessment

BHC applies risk assessment techniques to review:

- Bye-laws



- Directions
- Standing Orders
- Minimum Guidelines
- Codes of Practice and Procedures

These risk assessments are formally reviewed on an annual basis with any modification and revisions documented.

#### Bye-laws

Byelaws in the harbour are subject to review according to changing circumstances. In the event of any byelaws being required, applications will be made under the instruction of the Harbour Master and after consultation with the main users of the harbour. A copy of Brightlingsea Harbour Byelaws is shown in Appendix C.

#### Directions

Pilotage directions are reviewed when any major changes take place within the harbour or as part of the annual review process of the Harbour's Safety Management System. Additional Directions are raised under instruction from the Harbour Master and after consultation with the main users of the harbour.

#### Standing Orders

Standing Orders are reviewed when any major changes take place within the harbour or as part of the annual review process of BHC's Safety Management System. Additional Standing Orders are made under instruction from the Harbour Master and after consultation with the main users of the harbour.

#### Notices to Mariners

The current Notices to Mariners are reviewed when any major changes take place within the harbour or as part of the annual review process of BHC's Safety Management System. Additional Notices to Mariners are raised under instruction from the Harbour Master and may include consultation with the main users of the harbour.

#### Events

BHC requires full information from any event organiser on all harbour events (in compliance with harbour byelaws and Safety Management System) including risk assessments where applicable. The Harbour Master works closely with all the leisure clubs and organisations that use the harbour and where necessary special arrangements are made to promote the safety of the event being run.

#### Patrols

BHC maintains a patrol presence in the Harbour to enforce security, byelaws and other directions during the day, augmented with special patrols during the high season.

#### Pilotage

BHC has a duty to maintain the provision of pilotage and marine services associated therewith where visiting vessels exceed the minimum requirement for compulsory pilotage. Provision of these services will be regularly reviewed.

## Organisation and Management Responsibilities

BHC provides safe and efficient pilotage services and has the powers to conduct and require pilotage as both a Competent harbour Authority (CHA) and as a Statutory Harbour Authority (SHA). The PMSC recommends that the use of these powers follow these general principles:

- A. Harbour Authorities are accountable for the duty to provide an efficient pilotage service and for keeping the need for pilotage and the service provided under constant and formal review.
- B. Harbour Authorities should therefore exercise control over the provision of the service, including the use of Pilotage Directions and the recruitment, authorisation, examination, employment status and training of pilots.
- C. Pilotage should be fully integrated with other Port safety services under Harbour Authority control.
- D. Authorised pilots are accountable to their authorising authority for the use they make of their authorisation: Harbour Authorities should have contracts with authorised pilots regulating the conditions under which they work including procedures for resolving disputes.

The Harbour Master has the overall responsibility for the operational aspect of managing pilotage within Brightlingsea harbour. However, the ultimate responsibility and accountability lie with BHC to ensure that all the necessary systems are in place to support this process.

## Requirement for Pilotage and Pilotage Directions

Pilotage is compulsory in Brightlingsea creek for all vessels over 60m in length  
Pilotage is compulsory for all vessels on river Colne over 50m in length

## Port Entry Criteria

See Appendix D

## Pilot and Piloting responsibilities

The pilots are responsible to the Harbour Master for conduct of vessels in the harbour. During the act of pilotage the Pilots are also responsible to the Master of the vessel being piloted and act as servants of the Ship-owner.

The Masters and crew of all vessels hold ultimate responsibility for their own vessel and crew,

## Authorisation of pilots

BHC has strict procedures governing the authorisation of Pilots to ensure they are competent for their Pilotage duties. The Harbour Master maintains a list of the restrictions applied to any pilots operating within Brightlingsea Harbour and the River Colne which is recorded on the individual pilot's records held at the Harbour Office.

### Pilotage procedures

See Appendix D

### Pilotage Review

Keeping the need for pilotage under constant review by consultation and assessment. This will also be an agenda item on the Annual Pilots meeting.

### Availability of tug services

There are no tug services available in the Harbour of Brightlingsea.

### Adverse weather

When visibility is below 200 metres the Harbour implements a one way traffic movement system within the entire channel. Commercial vessels will need to report in and out. This action is logged in the Harbour Log.

Other adverse conditions are considered on a case by case basis and the appropriate measures are implemented based on a discussion with the Master and Pilot if required and then on the instruction of the Harbour Master.

### Anchoring/sheltering

Safe anchorages are available outside the harbour (off the Knoll and off East Mersea Stone).

No vessels are permitted to anchor within the statutory port limits of Brightlingsea Harbour without the express permission of the Harbour Master.

### Dangerous vessels

The Harbour Master will give directions prohibiting the entry into or the removal from the harbour of any vessel if the condition of that vessel, or the nature of the condition of anything it contains, is such that its presence in the harbour might involve a grave and imminent danger to people, the environment, other users or its business. Within this process regard will be given to all the circumstances and to the safety of the persons on board the vessel.

Such an event will be considered as an unusual operation and documented as such, with the details and reasons for the decision recorded. This process will be based on risk assessment.

### Banned vessels

The MCA provides the Harbour Master with up to date notices of ships currently banned from EU Ports which is circulated to the Pilots.

In accordance with Regulation 13 (5) of the Merchant Shipping Act any vessel banned will not be permitted to enter the Harbour of Brightlingsea until the owners have produced evidence that the ship fully complies with the applicable requirements of the Act.

In the event of force majeure, access to the Brightlingsea Harbour will be permitted provided the vessel's owner has implemented adequate measures to the satisfaction of the MCA and BHC.

### Detaining vessels

Vessels are detained for safety reasons in the harbour under the instruction of the MCA. BHC will not release any detained vessel unless there is instruction to do so from the MCA.

### Unusual Operations

Risk assessment techniques are applied to ensure that unusual operations are conducted in a safe manner.

### Enforcement

Brightlingsea Harbour Commissioners may take any actions which in any way compromise Marine Safety at the harbour very seriously and will take legal action at the appropriate level against the parties concerned.

### The Performance Monitoring and System Audit

Details of the performance monitoring and system audit procedures adopted by BHC are laid out within the PMSC. The audit process will include an assessment of whether the procedures documented in the PMSC are being carried out in the appropriate manner and any deviation/failings will be documented.

### Marine Services

The Port Marine Safety Code puts forward these general principles in relation to marine services:

- BHC's Safety Management System will cover the use of harbour craft and the provision of moorings;
- The formal safety assessment will be used to identify the need for and potential benefits for safe management of harbour craft;
- BHC will ensure that harbour vessels or craft which are used commercially in the harbour and their crews are appropriately trained and qualified for the tasks they are likely to perform.
- Byelaws and power to give directions are available for these purposes.

### Responsibilities

The Harbour Master has the overall responsibility for the operational aspects of marine services within Brightlingsea Harbour. However, the ultimate responsibility and accountability lie with the Harbour Commissioners to ensure that all necessary systems are in place to support the effective management of marine services within the harbour.

### Management of Marine Services

#### Pilot Boat services

BHC owns one work boat with a pilot boat endorsement. In accordance with the Merchant Shipping Small Workboats and Pilot Boats Regulations 1998 and the Work Boat Code Ed2, the

pilot boat is issued with an appropriate certificate and is not permitted to operate unless this certificate is valid.

The vessel also complies with the requirements of the BHC code of practice supporting these Regulations (including any requirements as to the operation, manning and maintenance) and is operated in accordance with any conditions specified in the certificate.

With respect to the manning of the pilot boat, BHC requires the vessel to be crewed in accordance with MCA requirements:

- Every pilot boat shall be manned by a minimum of two competent qualified crew namely a coxswain and a deck hand who can assist the pilot when boarding or landing.
- Persons are competent and fit for duty prior to them operating as crew and all crew members are trained in First Aid as specified by the MCA.
- It is also the requirement that each pilot boat crew conducts a man overboard retrieval exercise at intervals of not more than 6 months, One practice per year must cover the retrieval of a crew member from the water onto the vessel.

#### Harbour boats

The boats owned and managed by BHC conform to the latest Merchant Shipping (Small Work Boats and Pilot Boats) Regulations and are not permitted to operate within the harbour beyond their approved activities.

The vessels also comply with the requirements of the BHC code of practice supporting these Regulations (including any requirements as to the operation, manning and maintenance) and are operated in accordance with their specified purpose.

Where any craft are not subject to these Regulations, BHC will develop procedures for ensuring the craft are properly maintained, properly equipped and manned by competent personnel.

#### Commercial Boat Companies

Vessels and skippers of chartered boats or passenger vessels operating for commercial gain and venturing outside the Harbour are regulated according to MCA Codes of Practice. Prior to a commercial boating company operating within the Harbour of Brightlingsea it must demonstrate that it has an understanding of the management of marine safety within the harbour and the standards, codes of practice and procedures relevant to these operations.

Each company must also demonstrate that:

- Risk assessments have been performed to ensure operations are conducted in a safe manner and that the personnel to be used for these operations are trained and competent to perform the tasks required from them.
- There is a Safety Management System in place which is audited at an appropriate level.

## Dredging

Minor dredging operations can be carried out internally by the harbour, or through a third-party dredging company. For third party operations BHC establishes selection criteria to ensure that any dredging company selected is appropriately certified and that the vessels are fit for the purposes of their use and the crews are appropriately trained for the task. BHC will provide a detailed tender specification which specifies what is required of the dredging contractor in terms of working standards and equipment.

## Salvage

Salvage operations are classed as unusual operations and are planned, executed, recorded and closed out accordingly. BHC establishes selection criteria to ensure that any salvage company selected is appropriately certified and that the vessels are fit for the purpose of their use and the crews are appropriately trained for the task.

## Commercial diving

Diving operations are classed as unusual operations and planned, executed and closed out accordingly.

Prior to any diving operation BHC requires the contractors to demonstrate they are competent to perform their duties. The minimum standard for this is that they comply with the current Diving at Work Regulations and operate within the appropriate approved Code of Practice for diving operations

A risk assessment is performed to identify any hazards associated with the operation and to ensure that they are effectively managed and there is a sound understanding that the emergency response measures are in place.

The risk assessment should include the essential elements of on-going harbour operations including the provision of information on:

- Other ongoing activities.
- Traffic characteristics.
- Responsibilities.
- Relevant byelaws, directions, standing orders, Notices to Mariners etc.
- Emergency response details

No diving operation will proceed without written permission from the Harbour Office to indicate that the site is safe for use.

## Fuel

BHC has a bunkering facility moored at Harkers Yard in the North Channel. The Fuel Jetty comprises a 20000-litre diesel tank housed within a floating steel barge and held in position by three steel piles. There is a pontoon attached to the barge to provide convenient mooring for leisure yachts and motor boats using the facility. The electric fuel pump delivers red diesel at a rate of 70 litres per minute. Fire extinguishers and oil spill equipment are available at the fuel jetty should they be required.

Note: there is no public pedestrian access to the shore from the fuel jetty since Harker's Yard is a private yard and only available for use by authorised personnel.

## MEASURE COMPLIANCE

### Measuring Policy

- A BHC will measure health and safety performance against pre-determined standards
- B Performance in complying with the BHC safety management system will be required to meet the national standards as laid down in the PMSC
- C Appropriate performance indicators will be set
- D All accidents, incidents and near misses will be recorded and used to assist in assessment of the effectiveness of the Harbour Safety Management System

BHC has established and will maintain a procedure for defining responsibility and authority for:

- a) Taking action to mitigate any consequence arising from accidents, incidents or non-conformances
- b) The initiation and completion of corrective and preventative actions
- c) Confirmation of the effectiveness of corrective and preventive actions taken.

This procedure requires that all proposed corrective and preventive actions are reviewed through the risk assessment process prior to implementation. Any corrective or preventive actions taken to eliminate the cause of actual and potential non-conformances are by intention to be appropriate to the magnitude of problems and the risk encountered. The organisation implements and records any changes in the documents procedures resulting from corrective and preventive action as specified by the procedure for the control of documents.

### Recording accidents and Incidents

Major incidents are subject to immediate investigation to establish cause and to validate control measures. The reporting requirements of RIDDOR and of MAIB are followed.

A daily digital log-book is maintained by the harbour staff. Incidents, accidents, complaints and contemporaneous information is recorded here. Furthermore, weather and any exercises undertaken are also recorded.

Shipping movements are recorded in a separate digital log-book.

Near misses and details on any other incidents are maintained in a separate file where they are regularly reviewed to identify causes, trends and whether any action needs to be carried out to minimise risks.

### Safety Inspections and Checklists

There is a checklist of control measures which records the date and by whom the check was made. Any deficiencies in the checks are recorded in the deficiencies log where they are then taken up by the maintenance crew to rectify. Date of rectification is recorded.

## REVIEW

BHC will monitor, review and audit the marine Safety Management System on a regular basis. Performance of the system shall be assessed against internal performance indicators and where appropriate, by benchmarking against other ports that have adopted good practise.

### Procedure for review

The Harbour Master will, at regular intervals, review accidents, incidents or near misses at staff meetings and will report the result of any investigation that may have taken place.

Investigations by the HM of marine incidents have two essential purposes:

- a) To determine the cause of the incident with a view to prevention of a recurrence of that incident (or similar) and
- b) To determine if an offence has been committed; if so, there may be the need on the part of the Harbour Authority to initiate enforcement action that may lead to a prosecution in their own right or through an agency of another authority such as the Police or the MCA.

By ensuring that a robust, rigorous independent investigation has been carried out, BHC as the duty holder can be assured that their powers conferred in local legislation are suitable and sufficient to meet the needs of the Harbour, and that obligations and compliance with the PMSC have been addressed.

Any conclusions from investigations or lessons learned will be recorded, together with the measures taken to prevent a recurrence. If appropriate a more detailed report will be submitted to BHC or any other appropriate authority by the quickest means possible.

### Annual Review and Report

Apart from internal auditing and reviews of the Marine Safety Management System, there will be an annual audit by a Designated Person. The DP is an independent person, preferably experienced in Harbour Management and who has direct reporting access to BHC. The DP will provide a report to BHC giving an overview of accidents and failures during the year, with recommendation for addressing shortcomings.

Currently, the Designated Person for BHC is Capt. Jack Irwin, Captain with Stena Line.

Notwithstanding this report, the MSMS will be kept under continuous appraisal and immediate action taken where necessary. Such appraisals will include:

- Safety inspections
- Continuous appraisals
- On-going hazard identification
- Powers conferred by local legislation
- Evaluation of Standard Operating Procedures and their effectiveness
- Assessment of incident / accident reports



- Re-evaluation of risks
- Input of informal observations and reports

In addition to the continuous management of the MSMS described above, the MSMS will be subject to annual review against the background of staff appraisals and performance monitoring. For this purpose, BHC will

- Review job descriptions in accordance with the changing needs of BHC
- Provide advice and training where necessary to meet those objectives
- Ensure that reporting and recording procedures are sufficient to meet the needs of the SMS
- Provide resources to ensure that the SMS is effective and evolutionary.

Once every three years, the MCA will ask the Duty Holder to confirm in writing whether BHC is complying with the Port Marine Safety Code. The MCA may undertake spot compliance audits at any time.

### Record and Publish

BHC has established and will maintain internally produced information and Safety Management records inclusive of results and audits and reviews in both paper and electronic format. Externally produced documentation will be retained in either paper and/or electronic format, whatever is appropriate. This Safety Management system is in itself clear evidence of care and commitment. The risk assessments provide considerable further examples of how the safety policy has been put into practice.

### Document and data control

The organisation has established and will maintain its procedure for controlling all documents and data required for its safety management to ensure that:

- a) Such records are required to be legible, identifiable and traceable to the activities involved. Records are stored and maintained in a way that they are readily available and protected against damage, deterioration or loss. Their retention times are established and recorded.
- b) They can be located
- c) They are periodically reviewed, revised as necessary and approved for adequacy by authorised personnel
- d) Current versions of relevant documents and data are available at all locations where appropriate and where operations essential to the effective functioning of the system are performed. This requirement is largely met by having the key safety documents available on the internal computer network
- e) Obsolete documents and data are promptly removed from all points of issue and points of use or otherwise assured against unintended use; and
- f) Archived documents and data retained for legal and knowledge preservation purposes are suitably identified.

### Publication of Plans and Reports

To demonstrate BHC's commitment to maritime safety and ensure the involvement of harbour users, the safety management system (SMS) shall be published and made available to all stakeholders.

Plans will also be provided by BHC to illustrate how policies and procedures will be developed to satisfy the requirements under the Code. It shall commit the Authority to undertake and regulate marine operations in a way that safeguards the harbour, its users, the public and the environment. It shall refer to commercial activities in the harbour; the efficient provision of specified services and the effective regulation of vessels. It shall also explain how commercial pressures would be managed without undermining the safe provision of services and the efficient discharge of its duties.

BHC as duty holder will also publish in their Annual Report an assessment of the harbour authority's performance against the plan. Information gathered from the monitoring and auditing of the marine safety management system shall be used to support the analysis and conclusion.

### **CONTINUOUS IMPROVEMENT**

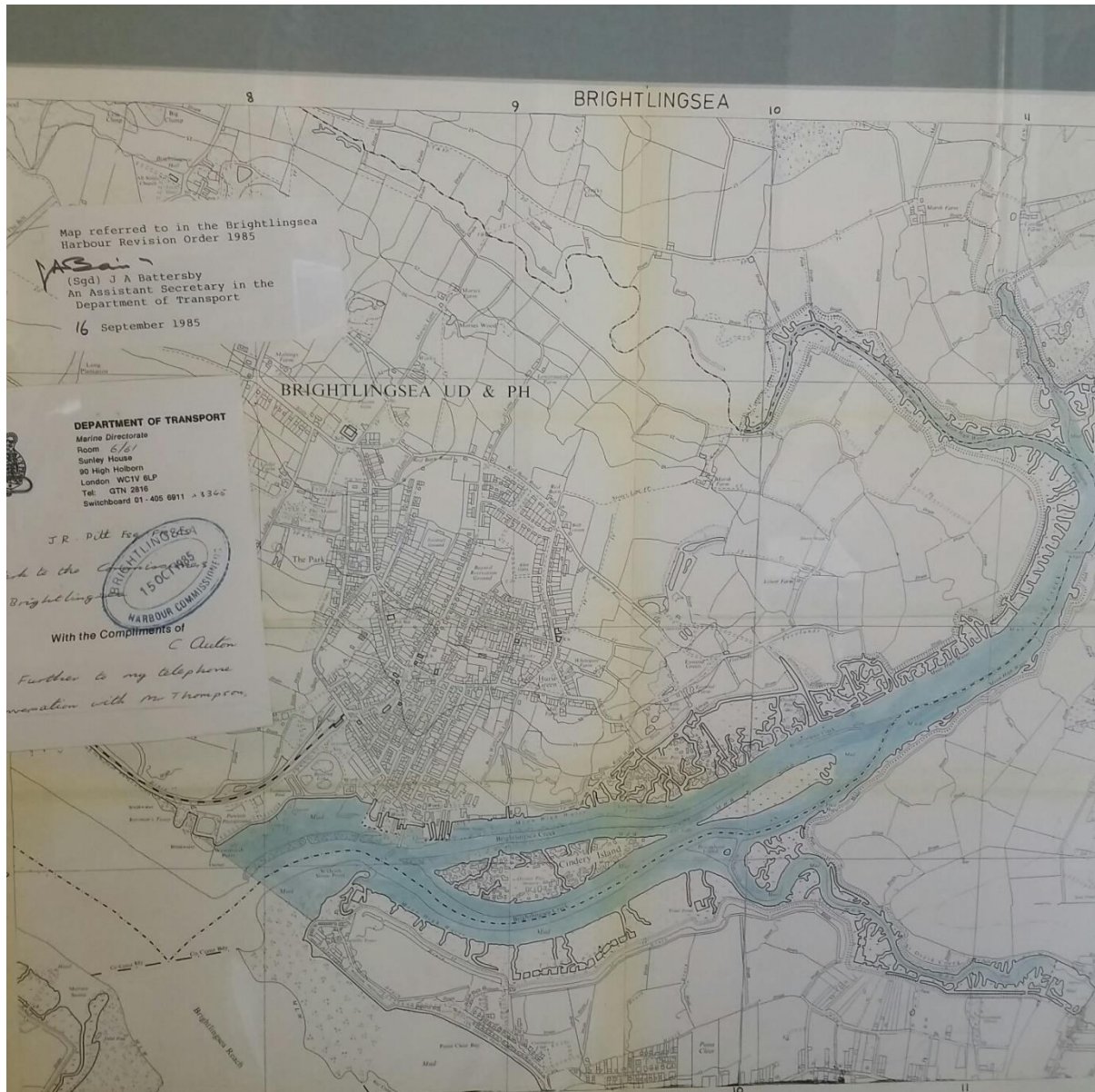
BHC aim to seek continuous improvement.

The organisation has established and will maintain documented safety objectives. The objectives are quantified whenever practicable. In establishing these objectives, the organisation has given consideration to its legal and other requirements, the hazards and risks associated with its activities, its technical options, its financial, operational and business requirements and the views of stakeholders. The objectives are consistent with the Safety Policy, including the commitment to continual improvement.

At the conclusion of the annual PMSC review, there will be recorded the achievement or otherwise of effecting the improvements planned the year before and a list will be drawn up of the further improvements sought the following year.



## Appendix B - Statutory Harbour Limits



# **Brightlingsea Harbour Commissioners**

## **Harbour Byelaws**

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## Harbour Byelaws

The Brightlingsea Harbour Commissioners, in exercise of the powers conferred by section 83 of the Harbours, Docks and Piers Clauses Act 1847 as applied by section 4 (1) of the Brightlingsea Harbour Order 1927 and of all other enabling powers, hereby make the following byelaws.

### Part 1 - Preliminary

#### Title and Commencement

1. These byelaws may be cited as the Brightlingsea Harbour Byelaws 1990 and shall come in to operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of State.

#### Application

2. a) These byelaws shall apply throughout the jurisdiction of the Commissioners as described in section 13 of the Brightlingsea Harbour Revision Order 1927 as amended by article 3 of the Brightlingsea Harbour Revision Order 1985 and to any premises or construction owned or occupied by the Commissioners in or in connection with the Harbour.  
b) The existing limits of jurisdiction of the Commissioners are shown on the plan annexed to these byelaws.

#### Interpretation

3. In these byelaws, unless the context otherwise requires -  
“Collision Regulations” means Regulations for the Prevention of Collisions under section 21 of the Merchant Shipping Act 1979;  
“the Commissioners” means the Brightlingsea Harbour Commissioners;  
“the fairway” means the channel which is for the time being the regular course or track of shipping;  
“goods” means all articles and merchandise of every description and includes fish, livestock and animals;  
“the harbour” means the area described in byelaw 2 hereof and includes any part of the harbour as so defined;  
“the harbour master” means the harbour master for the time being appointed by the Commissioners and includes his authorised deputies, assistants and any other person authorised by the Commissioners to act in that capacity;  
“master” in relation to any vessel means any person (whether the owner, master, pilot or other person and whether lawfully or otherwise) having taking command, charge, management or conduct of the vessel for the time being;  
“owner” in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;

“pilot” means an authorised pilot for the area within the meaning of the Pilotage Act 1987;

“quay” means any quay, wharf, jetty, dolphin, landing stage or other structure used for berthing or mooring vessels, and includes any pier, bridge, roadway, or footway immediately adjacent and affording access thereto;

“small vessel” means any vessel of less than 24 metres in length overall;

“vessel” means every description of vessel, however propelled or moved and includes hovercraft, a hydrofoil vessel and anything constructed or used to carry persons or goods by water and a seaplane on or in the water.

## Part II - Navigation

### Application of Collision Regulations

4. To the extent that they are not inconsistent with these byelaws, the Collision Regulations have full force and effect within the harbour.

### Vessel Movements

5. The master of a vessel other than a small vessel shall give prior notice to the harbour master or his agent of the vessel’s arrival at, departure from or movement within, the harbour.

### Entry to Harbour

6. Except with the permission of the harbour master, the master of a vessel other than a small vessel shall not cause that vessel to enter the harbour whilst another vessel (not being a small vessel) is under way in any part of the harbour between the mouth of the harbour and an imaginary line extending north and south across the harbour from the easternmost point of Cindery Islands at ordinary mean high water.

### Declaration of particulars of vessel

7. The master of a vessel arriving in the harbour shall if required by the harbour master, furnish to him a declaration in the form to be obtained from him containing a correct statement of the particulars of the vessel, its last port of call, ownership, destination (if known), and particulars of its cargo.

### Master to remain on bridge

8. The master of a power driven vessel underway shall either:
  - a) Be on the bridge or at the control position of the vessel; or
  - b) Ensure that there is on the bridge or at the control position a member of the crew who is capable of taking charge of the vessel and, when a pilot is on board, is capable of undertaking the pilot’s directions for the conduct of the vessel.



#### Vessels to have a competent helmsman.

9. The master of a vessel shall ensure that it is steered at all times by a person competent to do so and no automatic devices or equipment shall be used for steering purposes unless attended by a competent helmsman.

#### Vessels to navigate with care

10. The master of a vessel in the harbour shall navigate the vessel with care and caution and in such a manner and at such a speed as shall not cause excessive wash, damage or injury nor damage or injury to any other vessel, person or property in the harbour nor to the banks of the harbour or any person or property thereon.

#### Speed of vessels

11. Except with the permission of the harbour master and, subject to byelaw 9, the requirements of maintaining adequate steerage way and control and the Collision Regulations, the master of a vessel shall not cause or permit the vessel to proceed at a speed over the ground in excess of 4 knots: provided this byelaw shall not apply to any vessel on any occasion when it is being used by or on behalf of the Commissioners or for police, fire fighting or rescue operations in circumstances where such a speed limit would likely hinder the use of the vessel for the purpose for which it is being used on that occasion.

#### Small vessels not to obstruct fairway

12. The master of a small vessel which is not confined to the fairway shall not make use of the fairway so as to cause obstruction to other vessels which can navigate only within the fairway.

#### Vessels leaving dock or anchorage

13. A vessel leaving a dock, quay or anchorage shall not do so in a manner which may hazard or impede the movement of another vessel underway

#### Small vessels to keep clear of berths and anchorages

14. A small vessel shall not obstruct or impede the movement of any other vessel in any anchorage or the approach to any berth.

#### Sound signal for power driven vessel aground

15. A power driven vessel which runs aground whilst underway shall immediately signify the same by six short blasts in rapid succession on her whistle and shall repeat such signal at short intervals until she shall have exhibited the lights or shapes, or commenced to make the sound signals prescribed in the Collision Regulations to indicate that she is aground.

#### Sound signals - when to be used

16. No person shall use the sound signals prescribed in the Collision Regulations or these byelaws on any other occasion or for any other purpose except those so prescribed or those from time to time authorised by the harbour master.

#### Vessels proceeding with bow rudder

17. a) A vessel fitted with a bow rudder, when proceeding stern foremost, shall by day exhibit from a yard on the main mast two black spherical shapes each not less than 0.6 metres in diameter, placed horizontally not less than 2.4 metres apart and at least 1.8 metres higher than the funnel
- b) During such time as a vessel is exhibiting the signal prescribed by paragraph a) of this byelaw, the vessel shall comply with the Collision Regulations as if the starboard side were the port side and the port side were the starboard side.

#### Notification of collisions etc

18. The master of a vessel which -
- a) Has been involved in a collision with any vessel or property, or has been sunk or grounded through accident or become stranded in the harbour; or
  - b) By reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
  - c) In any manner gives rise to an obstruction to a fairway;

Shall give immediate notice of the fact to the harbour master and (as soon as reasonably practicable thereafter) provide the harbour master with full details in writing and where the damage to a vessel is such as to affect or be likely to affect its seaworthiness the master shall not move the vessel except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the harbour master.

#### Part III - Berthing and Mooring

##### Provision of proper fenders

19. The master and the owner of a vessel shall ensure that it is provided with a sufficient number of fenders adequate for the size of the vessel and, when berthing and leaving or lying low at a quay or against other vessels, the master shall cause the vessel to be fendered off from that quay or those vessels so as to prevent damage to that quay, those other vessels or other property.

##### Vessels to be properly berthed

20. The master of a vessel shall at all times keep his vessel properly and effectively moored when berthed or lying at any quay.

#### Vessels not to lie abreast without permission

21. Vessels other than small vessels shall not lie two or more abreast alongside any public quay or mooring or at anchor without the permission of the harbour master.

#### Sufficiency of crew

22. Except with the permission of the harbour master, the master of a vessel other than a small vessel shall at all times when that vessel is within the harbour ensure that the vessel is capable of being safely moved and navigated and that there are sufficient crew or other competent persons readily available ;-
- a) To attend to the vessel's moorings
  - b) To comply with any directions given by the harbour master for the unmooring, mooring and moving of the vessel; and
  - c) To deal, so far as reasonably practicable, with any emergency that may arise.

#### Use of engine while vessel is moored or berthed

23. The master of a vessel which is at a quay or lying at anchor or attached to any mooring device shall not permit the engines of his vessel to be worked in such a manner as to cause injury or damage to the bed or banks of the harbour, to any quay or mooring device or to any other vessel or property.

#### Vessels not to anchor in fairway except in an emergency

24. A vessel shall not except in an emergency anchor in the fairway of the harbour in such a manner as to obstruct navigation.

#### Vessels not to be made fast to navigation buoys or marks

25. No person shall make fast a vessel to or knowingly cause or permit a vessel to lie against any light, beacon, buoy, marker, tide pole, notice board, post, quay, ring, fender or other thing or place within the harbour which is not assigned for that purpose.

#### Landing places not to be obstructed

26. The master of a vessel navigating in the harbour shall not place his vessel or allow her to be in such a situation as to obstruct or interfere with the access to any recognised landing place or leave it moored alongside any such landing place unattended without the permission of the owner or person in charge of such a landing place.

#### Vessels to anchor clear of moorings

27. The master of any vessel shall not anchor that vessel so close to any buoy or mooring as to foul in any wind such buoy or mooring or any vessel lying thereto.

#### Access across decks

28. The master of a vessel alongside a quay or alongside any vessel already berthed within the harbour shall, if required so to do by the harbour master, give free access across

the deck of his vessel for persons and goods to and from vessels berthed alongside his vessel.

#### Lost anchor, cable or propeller

29. a) The master of a vessel which has slipped or parted from or lost any anchor, chain, cable or propeller shall give immediate notice of that fact to the harbour master and, if the harbour master so directs shall cause it to be recovered as soon as practicable
- b) The master of a vessel slipping or parting from an anchor or propeller shall leave a buoy to mark the position thereof.

#### Vessels adrift

30. The master of a vessel which parts from its moorings shall as soon as reasonably practicable report the same to the harbour master.

#### Obstruction of piers

31. No person transferring gear, equipment or stores to or from any vessel shall deposit any portion thereof on any public landing place including any public pier, jetty, pontoon, slipway or hard within the harbour in such a way as to obstruct the free and safe use of such public landing place or any crane, mooring post or fixture thereon.

### Part IV - Goods

#### Requirements as to handling and movement of goods in the harbour

32. 1) The owner of any goods loaded or discharged at any public landing place at the harbour shall ensure that the goods are removed therefrom as soon as practicable and in any case within 48 hours unless the harbour master otherwise agrees.
- 2) The owner of any goods loaded or discharged at any public landing place at the harbour shall comply with such directions as the harbour master may from time to time give for regulating the time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour.

#### Precaution against goods etc falling into harbour waters or the Authority's premises

33. The master of a vessel and a person undertaking the loading of cargo into, or the discharging of cargo from a vessel shall use or cause to be used all reasonable care to prevent cargo, dunnage, ballast or other materials from falling or escaping into the waters of the harbour and shall comply with such directions as the harbour master may give for that purpose.

## Part V - Miscellaneous

### Quays to be adequately marked

34. The owner or manager of any quay or other fixed obstruction shall mark the quay or obstruction with such lights and signals exhibited at such places and at such times as the harbour master may direct for securing the safety of navigation

### Laying down moorings, buoys and other tackle

35. 1) A person shall not place or lay down any mooring, buoy or similar tackle without prior consent in writing of the harbour master, nor except in accordance with such conditions as the harbour master may impose.  
2) A mooring, buoy or similar tackle shall as soon as is reasonably practicable be removed by its owner or any other person claiming possession of it if the harbour master so directs

### Dumping in harbour waters prohibited

36. No person shall intentionally deposit in the harbour any rubbish, refuse, ballast, stones, earth, clay or other abandoned article or material, whether solid or liquid, other than water, provided that this byelaw shall not apply to the discharge from a vessel's sea-toilets or the return to the water of material unintentionally raised from the bottom in the course of fishing or dredging for oysters.

### Drift or trawling nets not to obstruct vessels

37. No person shall cast or place any drift, trawl or other net in such a position as to be likely to become an obstruction or danger to any person or property including in particular, but without prejudice to the generality of the foregoing, any vessel or mooring.

### No dragging or grappling without permission

38. No person shall drag or grapple for any material or article nor remove the same from the bed of the harbour without the written consent of the harbour master save for the purpose of immediately recovering any article dropped overboard.

### Vessels to have names marked on them

39. The owner of a vessel which is not registered as a ship under the Merchant Shipping Act 1894 or 1983 or as a fishing vessel under the Merchant Shipping Act 1988 and marked accordingly shall ensure that the vessel is marked conspicuously with its name or other means of identification unless otherwise exempted by the Commissioners.

### Abandonment of vessels prohibited

40. 1) No person shall abandon a vessel on the banks or shore of the harbour  
2) For the purpose of paragraph 1) of this byelaw, a person who leaves a vessel on the banks or shore of the harbour in such circumstances or for such a period that he may reasonably be assumed to have abandoned it shall be deemed to have abandoned it there unless contrary intention is shown.

#### Notice of regatta etc to be given to harbour master

41. a) The secretary or other officer responsible for the management of any boat, yacht or sailing club or other organisation promoting an event likely to involve the assembly of more than 10 vessels in the harbour shall give not less than 28 days' notice thereof to the harbour master.
- b) No person shall organise or conduct any race, regatta, public procession or similar event within the harbour except on such courses and at such times as may be previously approved by the harbour master on an application made for such approval not less than 7 days before the event.

#### Water skiing, aquaplaning etc

42. 1) No person shall engage or take part in water skiing, aquaplaning, para-kiting or water-biking or any similar activity within the harbour except with the written permission of the harbour master given either specifically or generally, and except in such areas and subject to such other terms and conditions as he may impose.
- 2) A master whilst using his vessel for the purpose of towing a water skier or a person aquaplaning shall have on board at least one other person capable of taking charge of the vessel and of giving assistance as may be reasonably required during the towing and in the recovery of the water skier or person aquaplaning and shall carry -
- a) for each person on board a life jacket manufactured in accordance with the appropriate British Standard Specification or a personal buoyancy aid of the British Marine Industries Federation approved type, two hand-held distress signals and a fire extinguisher :-
  - b) for each person water skiing or aquaplaning, a rescue quoit with line or other sufficient hand thrown device.

#### Firefighting equipment

43. The master of every vessel with the exception of rowing boats and other similar light non-power vessels, shall have adequate fire-extinguishing equipment available for immediate use in any part of the vessel at all times, and the nature and amount of such equipment shall take into account any abnormal fire risk associated with any such vessel.

#### Assistance to fire and other services

44. The master of a vessel shall give reasonable facility and assistance to the fire, police, ambulance and other emergency services for dealing with, alleviating or preventing any emergency.

#### Fire precautions

45. The master of a vessel shall take all reasonable precautions for the prevention of fire.

#### Fuel containers

46. No person shall carry or store or knowingly cause or permit to be carried or stored on any vessel within the harbour any petrol or other flammable fuel or flammable gas in any container other than a container that is in good condition, is suitably marked to indicate its contents and is suitably constructed and of approved material for carrying such fuel or gas.

#### Obstruction of officers of the Commissioners

47. No person shall intentionally obstruct any officer or employee of the Commissioners in the execution of his duties

#### Silencers

48. 1) The master of a vessel having an internal combustion engine shall not use that vessel or knowingly cause or permit it to be used within the harbour unless it is fitted with a silencer expansion chamber or other apparatus suitable and sufficient for reducing as far as may be reasonable the noise caused by the exhaust gases from the engine.
- 2) Nothing in paragraph 1) above shall preclude the use of an engine fitted with a device for cutting out the silencer or other apparatus provided that the device is only used to enable the engine to be started.

#### Shipbreaking etc

49. No person shall break up, set fire to or destroy a vessel in the harbour or knowingly cause or permit a vessel to be broken up, set fire to or destroyed in the harbour except with the previous written permission of the harbour master and at such a place as he shall appoint and subject to such terms and conditions as he may stipulate.

#### Part VI - General

#### Notices under byelaws

50. When any notice, declaration or report is required to be given to the harbour master under the provisions of these byelaws, such notice, declaration or report may in the event that the harbour master is absent from his office be given by leaving it at the harbour master's office or, in the case of a notice required under Byelaw 5 or a report under Byelaw 18, may be given by telephone message to the harbour office.

#### Penalties

51. 1) Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the harbour master in the exercise of the powers conferred upon him by these byelaws shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

2) Where the commission by any person of an offence under these byelaws is due to the act or default of some other person, that other person shall be guilty of an offence; and that other person may be charged with, and convicted of, the offence by virtue of this byelaw whether or not proceedings for the offence are taken against the other person.

3) In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove -

a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or

b) that he had a reasonable excuse for his act or failure to act.

4) If in any case the defence provided by paragraph 3) a) of this byelaw involves the allegation that the commission of the offence was due to the act or default of another person the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

#### Saving of Crown and other rights

52. Nothing in these byelaws affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in these byelaws shall be deemed to be or shall operate as a grant of any portion of the shore or bed of the sea or river, channel, creek, bay or estuary or shall prevent the exercise thereon of any public rights or other rights legally exercisable by any person.

#### Revocation

53. The Brightlingsea Harbour Byelaws made by the Brightlingsea Harbour Commissioners on the 25<sup>th</sup> July 1973 and confirmed by the Secretary of State on 22<sup>nd</sup> October 1973 are hereby revoked.

GIVEN under the COMMON SEA of BRIGHTLINGSEA HARBOUR COMMISSIONERS this 18<sup>th</sup> day of January 1990.

Signed by:-

J R Fells                      Assistant Secretary in the Department of Transport

B. N. Newman              Chairman, Brightlingsea Harbour Commissioners

J. R. Pitt                      Clerk to the Commissioners



## Appendix D

### Pilotage Arrangements

#### Arrangement of pilot

The arrangement of a pilot is co-ordinated by the Brightlingsea Harbour Master. The Harbour Master holds the ETA's and ETD's for all vessels entering, moving within and departing the harbour, detailing the characteristics of the vessel, its Pilotage and whether Pilotage is from Buoy 9 or the Inner Sunk Pilot boarding/disembarking point.

If it is impractical to provide a Pilot at the designated boarding point, the vessel is delayed until this can be done.

No vessel requiring a Pilot is permitted to navigate within harbour limits without a Pilot.

#### Preparation

Once assigned to a vessel the Pilot acquires the relevant data to facilitate the act of pilotage. This includes collecting information on:

- The vessel and its details;
- Any defect on the vessel;
- The environmental conditions;
- The vessel's intentions and requirements;
- The weather forecast;
- Any other factors affecting the passage and berth.

Information on the vessel and any special requirements can be obtained from the Harbour Master and the vessel's pre-arrival form.

This preparation is co-ordinated by the Harbour Master who confirms also that all systems will be in place when required. Only then is the vessel allowed to enter harbour limits, otherwise, it is delayed.

The vessel will also be delayed if for any reason the Pilot is not satisfied with the conduct of the proposed operation. In this instance a review is held with the Harbour Master to find a safe solution.

In instances when a pilot is required to go directly from one ship to another, the Harbour Master will plan the operation and issue the pilot with the required details. If critical information cannot be provided, the vessel is delayed until the pilot has all the required information.

#### Pilot Boarding and Disembarking Points

The designated boarding and disembarking point for Pilot is No. 9 light buoy or the Inner Sunk boarding point of Harwich Haven Authority.

This point is reviewed as part of the planning for each act of Pilotage and if considered inappropriate for any reason the Pilot will arrange an alternative boarding point through consultation with the Harbour Master and the vessel's Master.

### Reassessing the Plan

During the act of Pilotage itself, (en route to vessel and while on board) it is the responsibility of the Pilot to review the preparations and Pilotage plan on an ongoing basis to ascertain if any amendments are necessary.

### Transit to a Vessel Underway

Boarding and Landing of a Pilot will only be conducted from a vessel coded for the purpose and will be performed to the standards laid out in the “Boarding and Landing of Pilots by Pilot Boat” Code of Practice.

The transit to a vessel will not commence until authorisation is received from the Harbour Master. This will only be given following confirmation that planning has been performed and all systems will be in place when required.

During transit the coxswain of the pilot boat radios the vessel to:

- Confirm the vessel’s required course and speed.
- Confirm the side of boarding/disembarking and ensure the ladder is in position at the appropriate height.
- Arrange for a lee to be made available by the vessel.

During outward passage to board the vessel, the pilot remains inside the cabin until the pilot boat is at reduced speed and in the lee of the vessel. The pilot also monitors the Port control VHF channel 68 while in the cabin to ensure familiarity with other movements in the area and any change of circumstances that may occur.

When on route to board a vessel the pilot should attempt to evaluate the conduct of the vessel prior to boarding. This is achieved through assessment of indicators such as:

- Shortcomings in communications and language problems.
- The vessel’s navigation and signal lights.
- The condition and rigging of the pilot ladder.

In the event of the pilot boat coxswain considering the approach or holding of position alongside the vessel unsafe he has the authority to abort the operation.

The Pilot has the authority to abort the operation if conditions are such that boarding is considered unsafe.

### Transit to a Berthed Vessel

Transit to a berthed vessel is either by car or pilot boat. During transit the Pilot adheres to the regulations set by the Harbour of Brightlingsea for all users.

### Embarking/Disembarking of a Vessel Underway

VHF communication is maintained between the coxswain and the Master of the vessel at all times during the embarking or disembarking of the vessel.

The weather and sea state conditions are monitored and if conditions are considered to be unsafe the operation is aborted. The pilot boat coxswain and Pilot both have the authority to abort the proposed operation.

Pilot transfer is only performed once a crewmember is stationed at the ladder or point of access to the ship's decks.

If the ladder is not placed in a safe position the Master of the vessel is asked to re-position it and if required delays the vessel. Once Pilot transfer is complete the pilot boat moves away from the vessel.

If for any reason it is not possible to transfer the Pilot on board an inbound vessel, the vessel is delayed (or contingency measure implemented if the vessel is inbound) until an alternative course of action is agreed.

A Pilot will not leave the vessel until the act of Pilotage is complete.

#### Embarking/Disembarking a Berthed Vessel

Prior to embarking/disembarking a berthed vessel the Pilot must confirm through the Harbour Master that the vessel is safely moored.

The Pilot must transfer by a proper gangway and at night the Pilot should ensure that suitable lighting is available to embark/disembark safely.

A Pilot will not leave the vessel until the act of Pilotage is completed and he has the authorisation of the Master of the vessel.

#### Assessing the Vessel's Condition and Standard of Crew

During the act of Pilotage the Pilot will observe the condition of the vessel and the standard of the crew and report any deficiencies to the Harbour Master.

Typically, the pilot may observe issues relating to:

- General appearance of the vessel.
- Efficiency of the boarding arrangements.
- State of the bridge and standard of equipment (including appropriate charts).
- Language skills and co-operation of the bridge personnel.
- Extent of vessel's own Passage Plan.
- Number of persons on the bridge.

The pilot will decide whether any observations require him to revise his Passage Plan before he commences the Pilotage act.

#### Pilot/Master exchange of information

Once on the bridge, the pilot confirms the ship's position, course and speed with the Master.

The BHC Pilot/Master Exchange Form is completed and signed to ensure both parties are aware of the proposed operation. As part of this process the Passage Plan proposed for the Pilotage act is reviewed and agreed by the two parties. This information is also made known to other personnel on the bridge of the vessel.

If during this process it is established that the information from the agent is incorrect the vessel will be delayed until the Pilot is satisfied that entry is safe and approved by the Harbour Master. During the passage it is the responsibility of the Pilot to keep the bridge team and the Harbour Master informed of his intentions.

### Berthing and unberthing

The provision of linesmen is organised by the vessel's agents. If the Pilot considers that the task has not been carried out in a safe manner he is required to report this to the Harbour Master.

### Communications

The Pilots will use VHF channel 68 as their main means of communication with other vessels, services and the Harbour Master. Sound and light signals can also be used when appropriate. Mobile phones are not to be used for or during operational activities on board any vessels.

### Reporting

Reporting of any accidents, incidents, or observations made by anyone involved in the act of pilotage including the:

- Pilot.
- Bridge crew.
- Boatman/Linesmen.
- Pilot boat.

Any report is made on the harbour's Incident Report Form (Appendix B) and submitted to the Harbour Master. It is the responsibility of the Harbour Master to follow this up to an appropriate level.

### Pilotage Authorisation Certificates and Exemption Certificates

BHC has a strict procedure for the issue, renewal and management of Pilot Authorisation Certificates and PEC's. A list of current Pilotage and PEC holders for the harbour and river Colne is presented in Appendix D1. A holder of a PEC is also required to keep a record of their trips which is reviewed by the harbour prior to renewal of a PEC.

### Promulgation of Pilotage Information

The following mechanisms are used to increase awareness and improve communications between the harbour and its users:

- Annual Pilots meeting
- Harbour Directions.
- Standing Orders.
- Notices to Mariner
- Marine publications
- Advisory committees.
- Harbour website.
- User groups.
- Clubs.

The pilotage directions are circulated through the Admiralty List of Radio Signals and are available on the internet. In addition, the directions are issued to all the agents and are available on request from the Harbour Master.

### Performance monitoring and system audit

Details of the performance monitoring and system audit procedures adopted by BHC are provided under Section 5 Review. The audit process will include an assessment of whether the procedures documented in this Section are being carried out in the appropriate manner and any deviations/failings will be documented.

### Procedures for Large Commercial Vessels (LOA > 50 metres)

#### Notification of arrival

All vessels arriving at the harbour must contact the Harbour Master at least 24 hours in advance of their ETA at River Colne buoy 9.

When required, pilotage arrangements will be made when the vessel or her Agent first calls confirming the ETA details. This will specify a boarding point. The final report from the vessel 1 hour prior to arrival and boarding the pilot will ensure that the position and height of the pilot ladder is suitable for Pilot boarding when required and that a crew member in direct communication with the vessel's bridge will be stationed at the ladder.

Vessels are not permitted to enter the harbour limits until they have received authorisation from the Harbour Master.

Authorisation is only given once the Harbour Master has approved where applicable a satisfactory Passage Plan, Port Entry Form and has positive confirmation that all required systems are in place and are operational.

#### Notification of Departure or Shifting Berth

Outward bound vessels or vessels shifting berth must where required book a Pilot in advance and confirm his attendance prior to reporting their ETD to the Harbour Master and at least 15 minutes in advance of the ETD.

Vessels are not permitted to leave their berth until they have received authorisation from the Harbour Master.

#### Turning in the Harbour

There is a designated turning area within the harbour, details of which are available from the Harbour Master. No vessel over 50 metres is permitted to turn or swing within the harbour without the permission of the Harbour Master.

If there is any uncertainty surrounding the safety of the proposed turning operation the manoeuvre is prohibited until a review is conducted by the Harbour Master.

#### Reporting points

VHF channel 68 is the operating channel for the Harbour. The reporting points are as follows:

Knoll buoy  
Buoy 13

#### Vessel arriving at the Port

- 1 hour before ETA at buoy 9.
- At Buoy 13.
- On passing the town floating jetty.
- On berthing.

#### Vessel departing the Port

- One hour in advance of ETD (pilot or non-pilot).
- On moving off the berth.
- On passing the town floating jetty.
- On passing buoy 13
- Inner Bench Head Buoy

#### Passage plan

All vessels over 50 metres arriving or departing from the harbour are required to have a Passage Plan. It is the responsibility of the master of the vessel to ensure that this is available to the Pilot or to the Harbour Master prior to the time of notification of ETA/ETD.

## Appendix D - Pilotage Directions

### Pilotage Direction No 3

1. Brightlingsea Harbour Commissioners (a competent harbour authority within the meaning of the Pilotage Act 1987), in the exercise of their powers under section 7 of that Act, direct that pilotage shall in all circumstances be compulsory for:
  - a. all vessels of 60 metres or greater in overall length navigating within Brightlingsea Creek defined by an imaginary line drawn between Bateman's tower, on the north shore of Brightlingsea Creek, and the Martello Tower at Point Clear on the south shore of Brightlingsea Creek.
  - b. All vessels of 50 metres or greater in overall length navigating within the River Colne upstream of an imaginary line between Bateman's Tower on the north shore of Brightlingsea Creek and Mersea Stone Point on the eastern tip of Mersea Island.
2. A vessel for which pilotage is compulsory shall take aboard or land a pilot in the vicinity of No 9 Buoy (51°46.92'N 001°01.15'E). In adverse weather conditions a more sheltered location may be advised at the time.
3. This direction does not apply to any vessel under the control of a Master or First Mate holding a Pilotage Exemption Certificate issued by Brightlingsea Harbour Commissioners. A Master or First Mate with a Pilotage Exemption Certificate will assume the duties imposed upon pilots by the Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Cargo) Regulations 1995.
4. It is a legal requirement that pilots/port authorities report any deficiencies which may prejudice the safe navigation of any ship, under merchant Shipping (Port State Control) Regulations 1995. A Master or First Mate with a Pilotage Exemption will assume this responsibility.
5. A Master or First Mate that is involved in an incident caused by negligence, or by failure to follow the practices of good seamanship, may be excluded from exemption. Those excluded from exemption under the above clause may reapply for exemption subject to qualifying voyages being completed under pilotage.
6. Masters or First Mates wishing to apply for a Pilotage Exemption Certificate should request details of requirements from Brightlingsea Harbour Office.
7. This Pilotage Direction cancels Brightlingsea Harbour Commissioners' Pilotage Directions No 1 dated 26<sup>th</sup> March 2001 and No 2 dated 31 March 2002.

### Addendum to Pilotage Direction No 3

1. The acceptance of vessels is subject to tidal constraints and the latest survey data. The minimum under hull clearance required is 0.2 metres.
2. The use of a gutway immediately upstream of Olivers' Wharf gives a potential turning circle for vessels up to 105 metres in length.
3. The maximum vessel length overall that is accepted is 120 metres. Any vessel unable to be swung, whether due to tidal constraints or length, will require the provision of two tugs or one tug and an operational bow thruster.
4. Movements will normally be permitted in winds up to 20kts (10m/s) and up to a wave height of 2.0m. Movement of vessels in greater wind or wave height will be decided on an individual basis. Factors including vessel characteristics, wind direction and time of day will be considered.
5. In conditions of visibility less than 200 metres within the compulsory pilotage area movements will be suspended. Trends in changing visibility will be considered in making this decision.
6. Only one large vessel (>50 metres) at a time is permitted to be underway within Brightlingsea Creek. In general only one large vessel is permitted to be underway in the approaches to Brightlingsea Creek and River Colne; exceptionally with the Pilot's and Harbour Master's approval, to allow departure and arrival of vessels on the same tide, passing of vessels south of No 13 Buoy is permitted.



	<b>REPORT FORM - MARINE INCIDENT / NEAR MISS</b>
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This Form is to be used to report a Marine / Navigational Incident, Safety Incident or Near Miss to the Harbour Master or Deputy Harbour Master.

**URGENT** Navigational matters should be reported immediately on the appropriate VHF channel (VHF68 Brightlingsea Harbour / VHF16 Coastguard).

Section A - Vessel Details (Main Vessel Involved)							
Name of Vessel:							
Type of Vessel:							
Length (m):				Beam (m):			
Draught (m):				Air Draft (m):			
Details of Propulsion / Manoeuvring Aids (including Prop Rotation):							
Section B - Pilot/Master/Owner (Of Above-Named Vessel)							
Name:							
Address:							
E-mail Address:							
Telephone:							
Mobile:							
Pilot No		PEC No		Agent			
Qualification(s): (MCA / RYA etc.):							
Licence No / BML No:							
Club / Org / Company:							
Section C – Incident Detail							
Contact		Swamping		Berthing / Manoeuvring		Breach of Byelaws	
Grounding		Near Miss		Wash/Draw-off		Inappropriate Navigation	
Pollution		Fire / Explosion		Breach of Pilotage Directions		Navigational Hazard	
Loss of hull integrity		Collision		Breach of General Directions		Other Please State	
Date & Time of Incident:	Date:		Time:		Location:		
Wind:	Direction:		@	KTS / MPH	Tide State:		
Weather:					Visibility:		

Please provide an explanation of the incident in concise terms following the sequence of events and if necessary expanding on them with as much appropriate detail as possible. We encourage the use of a sketch to accompany this report where appropriate. Please continue on another sheet if necessary.

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Sketch

From the causes you have found, what immediate action have you taken to prevent a similar occurrence happening again?

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.....

.....

NAME	POSITION
SIGNATURE OF PERSON SUBMITTING REPORT	DATE OF REPORT

## BRIGHTLINGSEA HARBOUR COMMISSIONER'S EMERGENCY PLAN

### IN COMPLIANCE WITH THE PORT MARINE SAFETY CODE

#### Introduction

The Port Marine Safety Code states that the Marine Safety Management System should include preparations for emergencies and that these should be identified as far as practicable from the formal risk assessment. It also states that these should be published and exercised.

This section provides guidance on the BHC emergency response plan. Further details are available in the plan itself. For pollution response further information is available under the oil spill response plan that BHC has implemented as required by the OPRC Regulations.

#### Responsibilities

The Harbour Master has the overall responsibility for the operational aspects of emergency response. However, the ultimate responsibility and accountability lies with the board of BHC to ensure that all the necessary systems are in place to support this process.

#### Reporting a Marine Emergency

##### a) Reporting from a Vessel

A ship's Master is obliged to inform the Harbour Master in the event of any incident involving his vessel. Contact should be made by radio to the Harbour Master's office.

In instances when radio communication is impractical the Master shall sound seven or more short blasts followed by one long blast on the ship's whistle or siren. This signal should be repeated at regular intervals.

##### b) General Reporting

In the event of a marine emergency being observed by a third party the observer is obliged to report the observation to the Harbour Master or HM Coastguard as soon as possible using any available means.

#### Information Required

On reporting an incident the following information will be sought:

- Nature of incident
- Location
- Number of injured and or casualties.
- Whether or not the Coastguard police, fire brigade or ambulance service has been informed
- The callers' name and telephone number from which they are calling

## Assessing the Situation

On receipt of information on a marine based emergency the Deputy HM and Harbour Master will decide whether or not the incident will be declared a “major emergency”. If deciding a “major emergency” consultation with the Chairman of Brightlingsea Harbour Commissioners will take place.

A Major Incident as defined within JESIP as:

“An event or situation with a range of serious consequences which require special arrangements to be implemented by one or more emergency responder agency.”

Where incidents occur that do not necessitate invoking the “major emergency” procedures, there will be declared a “minor emergency”.

## Response to a Minor Emergency

Where minor emergencies occur, the management of such incidents will come under the direction and control of the Deputy HM or Harbour Master. It will be undertaken with or without outside assistance from the relevant emergency services.

## Response to a Major Emergency

### a) Initial Response

On the declaration of a “major emergency” the following actions will take place.

- \* The Harbour Master will transfer control of the incident to the senior Emergency Services officer. Thereafter the harbour master will work under direction of the Emergency services who will activate their own emergency plan.
- \* The fire service and ambulance service also have their own plans relating to a major emergency in the port of Brightlingsea. They will active these plans should a major emergency be declared.
- \* Depending on the type of emergency an incident command control (ICC)room may be set up.
- \* An incident management control team (IMCT) will be established. It will operate from a location designated by the police. It will consist of the following persons:
  - \* Senior Emergency services officer
  - \* Harbour master
  - \* Senior Coastguard Officer
  - \* Senior fire officer
  - \* Senior ambulance officer
  - \* Senior representative of the organisation(s) involved in the incident
  - \* Other persons who may be requested to join the IMTC.

### Incident Command Control (ICC)

Incident Command Control room, which unless required to be different by the senior police officer is the Colne Yacht Club (CYC) Office building, It contains the following equipment which can be used in the event of an incident:

- email
- telephones
- mobile telephones
- vhf radios
- adequate space
- Incident board
- rest room and catering facilities
- Harbour video surveillance system.

### Incident Management Control Team

The general responsibility of the Incident Management Control Team is to formulate policy between the emergency services and other organisations. This team is usually chaired by the senior police officer and will meet as often as necessary to review the overall management and progress of the incident.

The IMCT will address the following issues:

- identify areas of expertise and responsibility
- identify individual and common operational objectives
- confirm the way forward and resolve policy
- identify and resolve any areas of conflict between services/agencies involved
- identify resource requirements
- establish effective liaison between all services/agencies involved
- establish a common approach to the media

A detailed incident room log sheet will be maintained by someone authorised to do so.

The IMCT will liaise with the police press officer to ensure that press conferences are arranged, that the media are provided with facilities and suitable spokespersons from the IMCT are available to talk with them in respect of agreed policies and actions by the service/organisation they represent.

### Radio Communications

The Harbour Master, police, Coastguard, fire & Rescue and ambulance authority are all equipped with their own independent radio systems and communications. During an incident the communications will be as follows:

## RADIO COMMUNICATIONS

Harbour	VHF 16 (if relevant)	Listening, watch
Masters Office	VHF 68	Harbour Working Channel
Fire Authority	VHF - Fire Brigade, control to firefighting vehicles	
Ambulance	VHF - Ambulance, control to ambulance vehicles	
Police	Secure radios	
HMCG & MCA	VHF 67 / 68/ 0 / 99 / 10 / 16	

### Harbour Users

It is incumbent under the emergency services obstruction act , that all users are to co-operate fully with the emergency services and BHC in the event of any “major emergency”.

In the event of a “major emergency” being declared users in the affected area will be informed as soon as possible. This will be done either by personal contact, VHF, telephone or by public address from a police vehicle. They will be told of the nature of hazard and given guidance or instruction as to precautions or evacuation, if this is necessary.

General guidance and instructions for the accidental spillage or release of flammable or toxic substances are given in the oil spill contingency plan for the statutory harbour of Brightlingsea.

### Rendezvous Points (RVP)

To allow for mustering of emergency services at a safe central point within easy reach of the scene of an incident a number of rendezvous points have been nominated. These are listed below:

St Osyth Stone

Brightlingsea Hard

Brightlingsea Sailing Club

Brightlingsea Wharf

Morgan Marine Slipway

On the declaration of a major emergency a suitable rendezvous point will be made known to the emergency services and any other persons who require the information.

### Helicopter Landing Sites

Promenade way	51 48.24N 001 00.59E With vehicle access.
Hurst Green	51 48.379N 001 01.580 E With vehicle access and is on high ground.

### Press and Other Media

If a “major emergency” is declared control of the operation will rest with the leading emergency service (or leading emergency services). All statements to the press or other media will therefore be channelled through their press office.

### Friends and Relations

Should any major incident occur involving large numbers of casualties for example to a passenger vessel entering or leaving the port of Brightlingsea, the police will ensure friends and relations are kept informed about the incident as appropriate. In such event it is also likely that many persons will arrive at the scene or point of departure to enquire about relatives and friends. BHC will assist, if requested, with identifying temporary additional accommodation.

### Emergency Response Training

Any person required by the port to play a role within the emergency response will be trained to an appropriate level.

### Emergency Response Exercises

BHC has an emergency response exercise schedule which is based on risk assessment and enacted to ensure there is familiarity with the emergency response plan and a sound understanding of roles and responsibilities. The schedule relies on seminars, table top exercises and live exercises and also a means for revising and improving the emergency plan itself.

Both the risk assessments and the exercise schedule are reviewed to give account to changes in port operations and any variations in risk that may occur. The maximum period between each review is three years.

### Debriefing

The IMCT will also produce a report within JESIP after the incident identifying the cause(s), noting the significant decisions of the IMCT during the incident and where appropriate making recommendations to avoid similar incidents occurring again. If required the emergency plan will also be revised.

For minor emergencies this is the responsibility of the Harbour Master, who will also ensure that any recommendations made are implemented throughout the port.

Debriefing is also a key element of emergency response exercises to ensure BHC's plans are kept current and alert.

All debriefing meetings are recorded in an audible manner and it is the responsibility of the Harbour Master to sign off all actions.

#### Promulgation of Emergency Response Information

Relevant organisations are issued with copies of BHC's emergency response plan including;

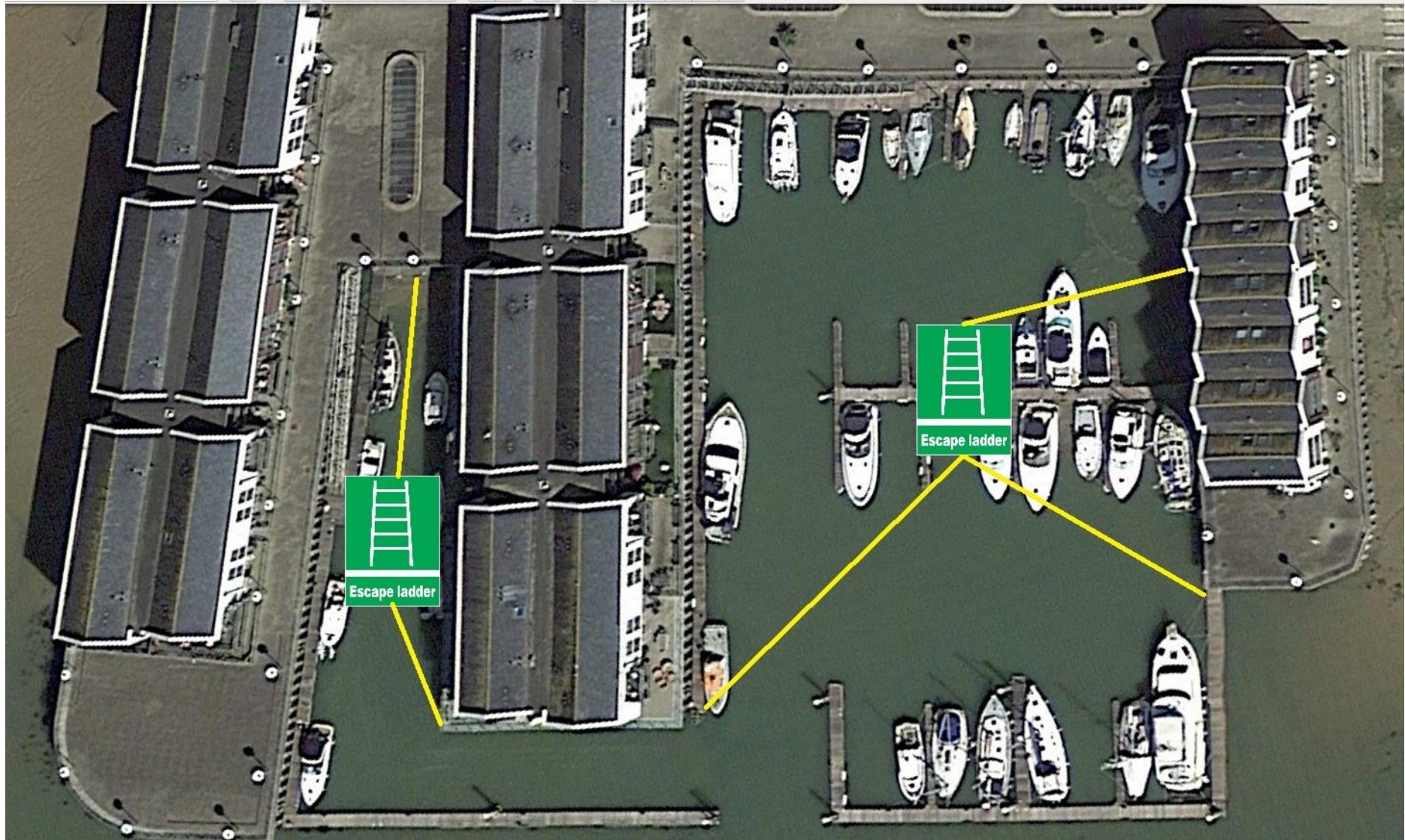
- senior police officers
- senior fire officers
- senior ambulance officers
- Coastguard
- Pilots
- County Emergency planning Centre

Full details of the distribution are presented within the port emergency plan. Copies of the plan are provided by the port to any interested parties upon request.

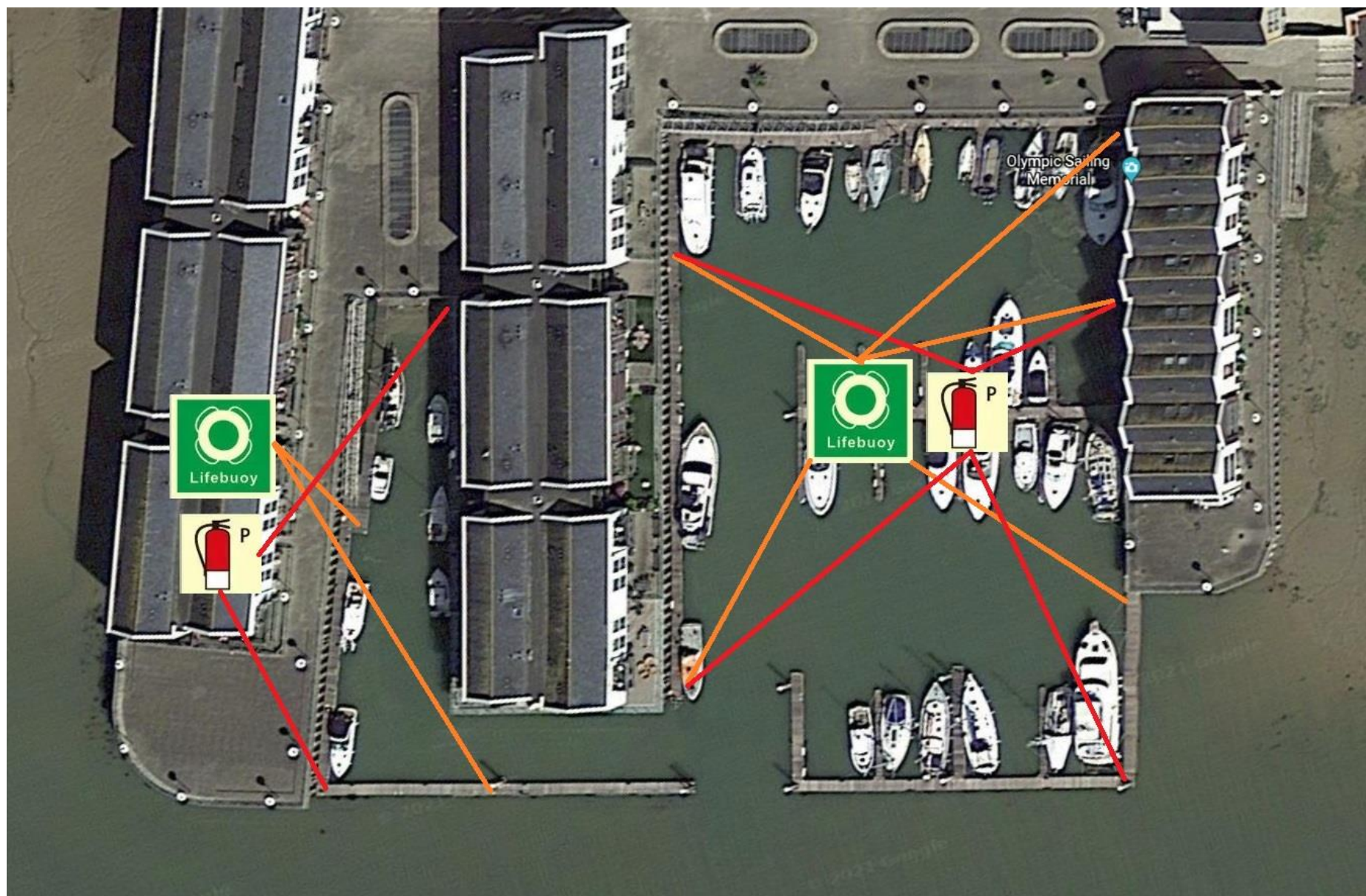


## CONTACTS DIRECTORY

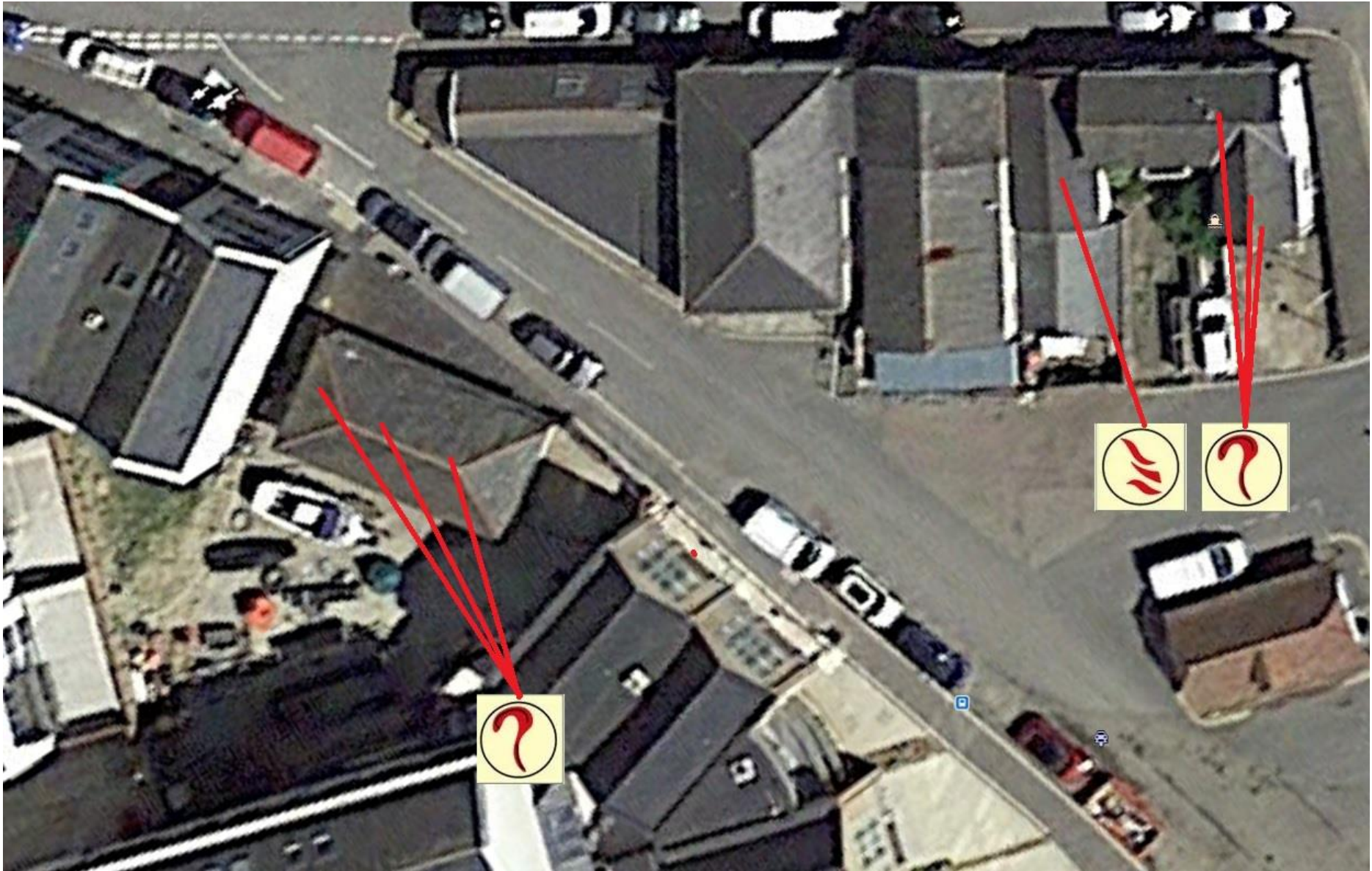
Harbour Office	01206 302200 VHF Ch68
CG UK ops NMOC	01255 675518 (Operations Room)
Maritime & Coastguard Agency (MCA)	01255 679415 (Ops room fax)
Natural England	0300 060 2240 01206 794466 (Fax)
Environment Agency General Enquiries	0800 807060 (Incident Hotline) 03708 506506 (Mon-Fri 8am - 6pm)
Marine Management Organisation	0870 785 1050 (Incident Hotline) 07770 977825 (Out of office hours)
DEFRA Duty Room	08450 518486 (If all else fails)!
DEFRA Fax	08450 518487
Essex County Council Duty Officer	01245 430371 (Main switchboard) 07659 597162 (Reporting No.)
Brightlingsea Wharf	01206 588 488
Tendring District Council	01255 686868 (main switchboard) 01255 686767 (pollution control)
Colchester City Council	01206 282222



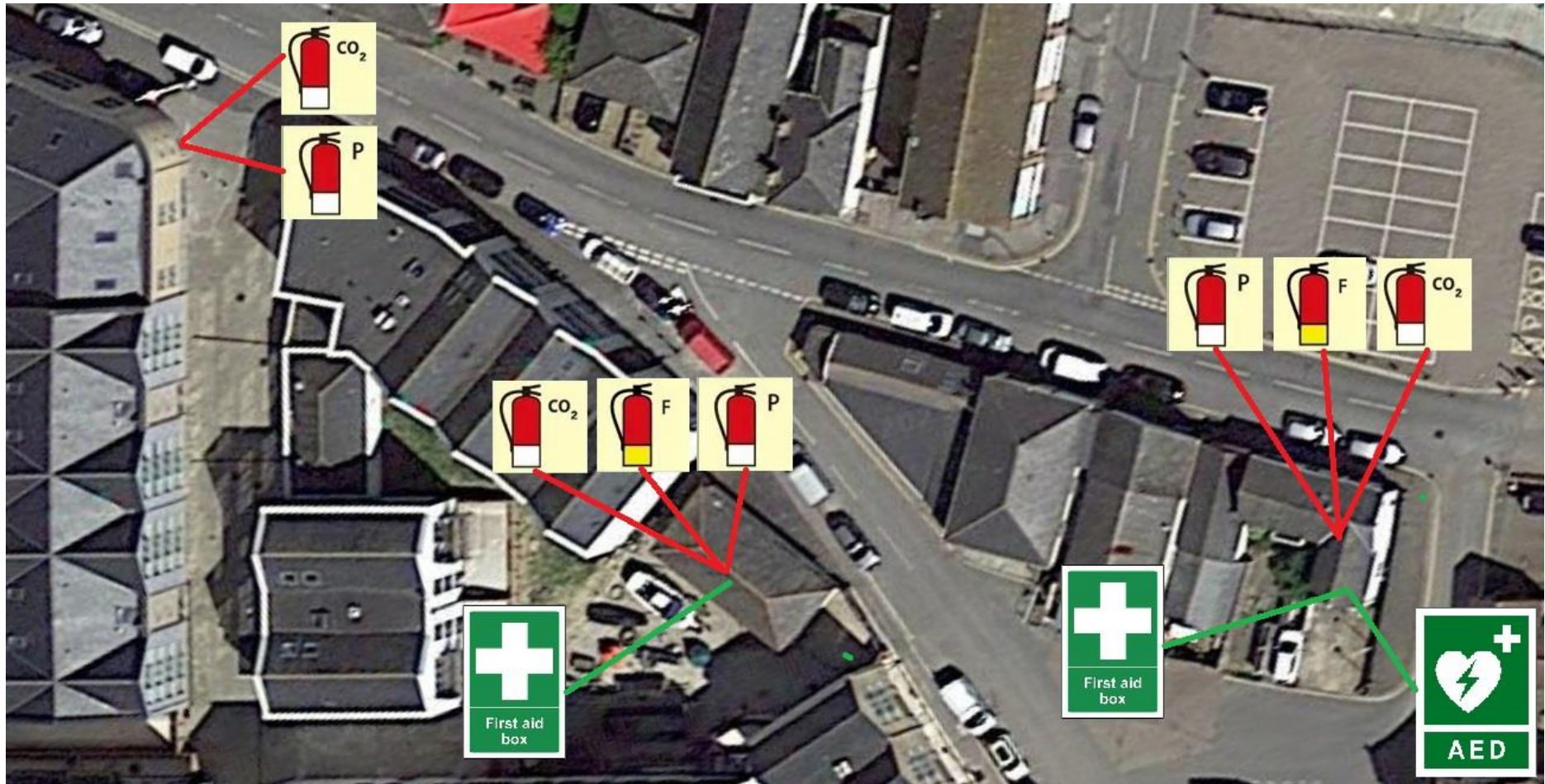


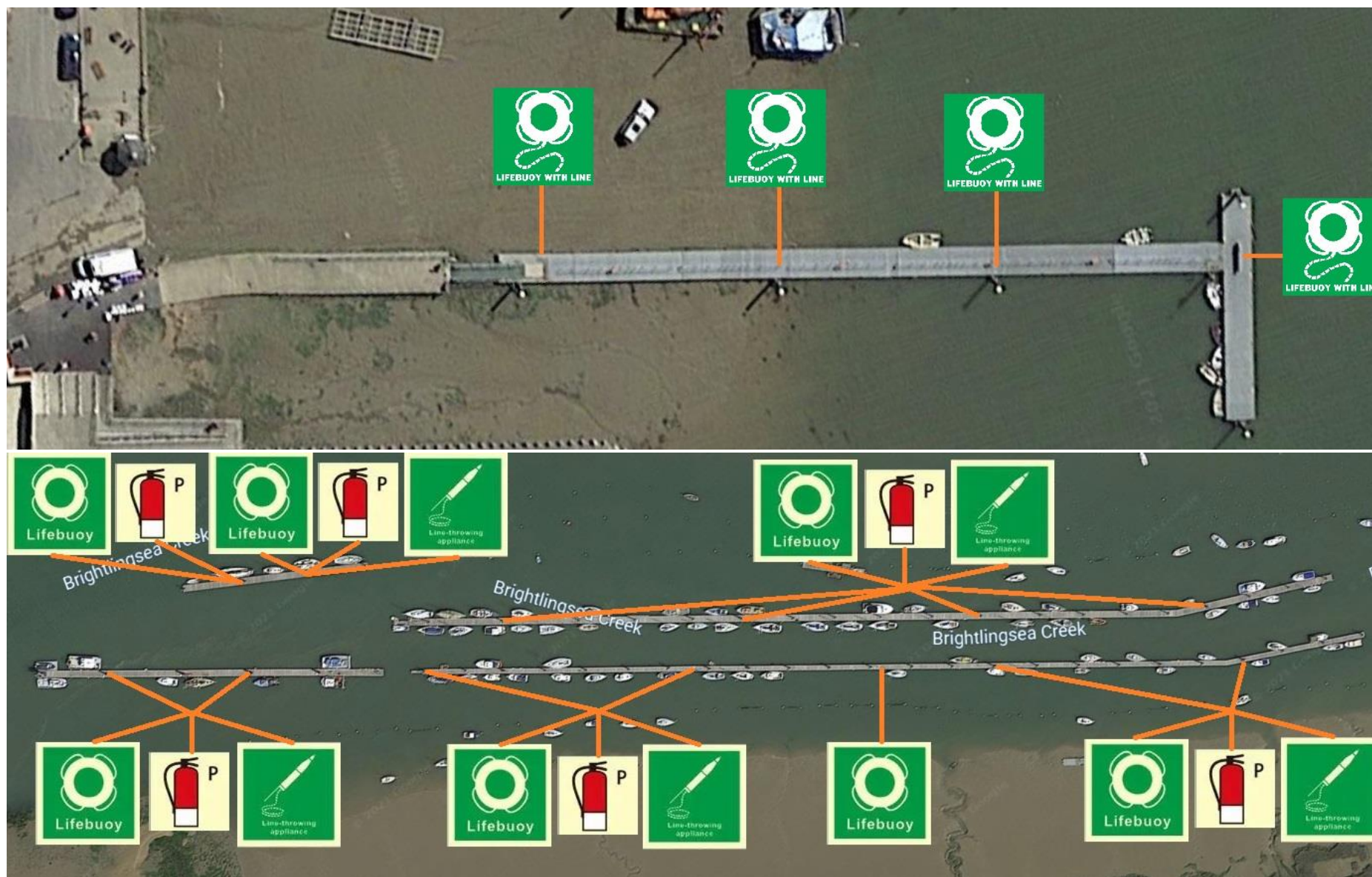




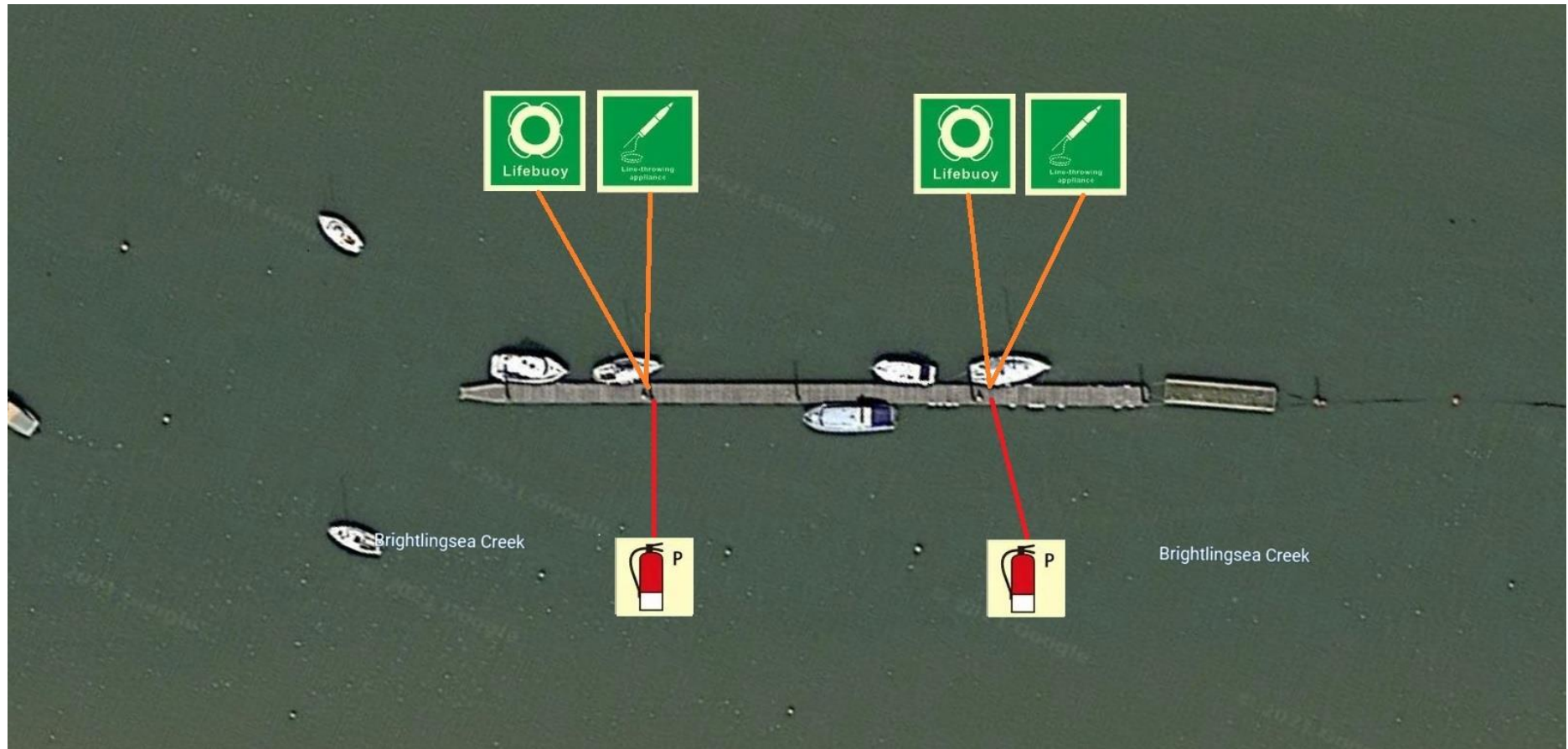














Maritime &  
Coastguard  
Agency

## APPROVAL OF OIL SPILL CONTINGENCY PLAN

Issued in accordance with the requirements of the Merchant Shipping (Oil Pollution Preparedness Response and Co-Operation Convention) Regulations 1998 under the authority of the Government of the United Kingdom of Great Britain and Northern Ireland  
by the Maritime and Coastguard Agency, an Executive Agency of the Department for Transport

### PARTICULARS OF COMPANY

Name of Port	BRIGHTLINGSEA HARBOUR		
Category of Port	A&B		
Address	Harbour Office 4 Copperas Road Brightlingsea Essex		
Postcode	CO7 0AP	Country	United Kingdom

### APPROVAL

I declare that the Oil Spill Contingency Plan submitted by the above is relevant and complete in every respect in accordance with the requirements of the Merchant Shipping (Oil Pollution Preparedness Response and Co-Operation Convention) Regulations 1998 and the Guidelines issued by the Maritime and Coastguard Agency and is hereby approved by the Secretary of State for the Department of Transport

Date of Plan 20 May 2022

Plan Version 11

This Plan is valid until 20 June 2027

Place MCA Headquarters

Signed

Andrew Healy  
Secretary of State  
for the Department of Transport

Signature of authorised official issuing the certificate

Date 21 June 2022

Name

Andrew Healy

For and on behalf of the Secretary of State



**Bunker and Oil Transfers**  
**Guidance and Requirements for Ships**  
**Code of Practice**

**Background**

This Code of Practice has been developed to ensure that oil transfer operations are conducted in a safe manner to reduce and minimise risks to personnel and the environment and applies to all parties involved with an oil transfers to or from ships within the Port of Brightlingsea. The code should be applied on all vessels as a minimum standard for all oil transfers within the Port, including ship bunkers, drilling oils, waste oils and other oils or polluting liquids used on vessels. (Separate international requirements apply to tankers carrying large quantities of bulk oils) The Code is applicable anywhere within the jurisdiction of the Port for any transfers, be they to or from a ship, to a shore facility or road tanker, or between two vessels.

Ship to ship oil transfers are not permitted in the Port and ship to ship transfers in the Harbour are only permitted during daylight hours by Approved Suppliers (details available from the Harbour Office). Ships' Masters should plan the bunkering operation to ensure that it is completed before sunset.

Bunkering during cargo operations should be avoided wherever possible. Where this is not possible then a specific Risk Assessment shall be carried out by the vessel. This assessment should not be limited to but shall consider:

- a. the need to provide a safe working area,
- b. protection of hoses/pipes from damage,
- c. possible conflicts between the vehicles and plant moving in close proximity to the bunker operation,
- d. safe and accessible working areas on the vessel for the bunker operation,
- e. that the movement of the vessel, due to cargo operations, may affect the bunker process and cause overflows.

**Responsibilities**

This Code does not relieve any person of the requirement to comply with any other statutory Act, Order or Regulation that may apply to their vessel or operation.

Bunker suppliers, vessels owners and ship Masters should follow the principles of the Bunkering Operations guidance procedures as laid out in the International Safety Guide for Oil Tankers and Terminals (ISGOTT) Part 4, Management of the Tanker and Terminal Interface, Chapter 25 and as amended from time to time.

Vessels within the seaward jurisdictional limits of the Port are not permitted to bunker either underway or at anchor.

**Vessel Responsibilities:-** The ship's Master is responsible for the ship bunkering operation and must appoint an appropriately qualified person to oversee the bunker operation (Responsible Person) and there shall also be a Duty Deck Officer available or in attendance during the bunker operation. Vessels carrying out bunker operations (regardless of the flashpoint of the bunkers) should display the shapes and signals as detailed in Regulation 8 of the Dangerous Substances in Harbour Areas Regulations 1987.

**Bunker Provider Responsibilities:-** Shore facilities, barges and road tanker operators will be responsible for complying and adhering to the appropriate practices and procedures laid down for their operations. The bunker provider must appoint a suitably qualified person (Bunker Supervisor) to liaise with the Responsible Person on the ship. In the event that the Responsible Person cannot identify or establish the Bunker Supervisor, then bunker operations should not commence or if they are under way they should cease immediately.

#### Procedures

Ship's Masters must:

- a) follow the reporting procedures as laid down in Appendix 1 to this document,
- b) ensure the Responsible Person on the ship is in attendance at all times during the transfer process and has the appropriate assistance to aid a safe and effective oil transfer.
- c) ensure that the Responsible Person has established and then continues to maintain communication with the on duty Deck Officer.
- d) confirm that the vessel is securely moored with suitably tensioned moorings, ready for the oil transfer operation and ensure that moorings are tended throughout the transfer operation.
- e) ensure that (except for vents designed to prevent excess pressure or vacuum within a cargo space) all openings from oil storage spaces are kept closed during oil transfers.
- f) agree in writing on the handling procedures, including the maximum loading or unloading rates taking into account the arrangement, capacity and maximum allowable pressure of the receiving tank/s; cargo lines, hoses and shore pipelines, the arrangement and capacity of the vapour venting system (if fitted), the possible pressure increase due to an emergency shut-down, the possible accumulation of electrostatic charge and the presence of responsible persons during start-up operations on board ship and ashore.
- g) agree in writing the action to be taken and the signals to be used in the event of an emergency during transfer operations.
- h) if an incident occurs during the handling which necessitates a repair to the piping system or connections; ensure such handling is stopped and not resumed until adequate safety measures have been taken with the approval of the Harbour Master's Office and, where appropriate, the Berth Operator.

*(Note: a number of the items listed above may be dealt with in the ship-shore checklist)*

The ship's Responsible Person must:

- a) ensure that the correct quantity of bunkers has been ordered and agree the quantity with the onshore Bunker Supervisor.
- b) nominate the tanks to be loaded and ensure that there is sufficient capacity in the tanks to accommodate the bunkers stemmed.
- c) decide on the fill level for each tank both in terms of ullage and % capacity.
- d) agree a load rate for startup, bulk filling and a reduced rate whenever there is a possibility of the tank being unable to cope with the fill rate and always a reduced rate if the tank has reached 90% of normal capacity.
- e) frequently check that the agreed back-pressures and loading or unloading rates are not exceeded.
- f) take appropriate preventative measures to ensure that all relevant equipment (e.g. pipelines, loading arms, flexible pipes, etc.) are not damaged and continually check for signs of leakage.
- g) establish emergency stop procedures and signals with the Bunker Supervisor.
- h) In conjunction with the Bunker Supervisor complete and sign a ship/shore checklist and keep the list available for inspection.
- i) establish and maintain satisfactory communication with the Bunker Supervisor before commencing bunker operations.
- j) ensure that no tank is overfilled and warn the Bunker Supervisor whenever any tank has reached 90% capacity and/or when any topping off operation has commenced.
- k) after completion of the operation, ensure that the hoses and pipes have been drained of liquids, the pressure relieved, the piping vented and the ship's manifold blanked off.

#### Hoses and Pipes

The Responsible Person shall ensure that the following checks/procedures are carried out:

- a) The hoses in use are certified and legibly marked showing the type of hose, specified maximum working pressure and the month/year of manufacture
- b) Before and during bunker operations check hoses to ensure they are:
  - i. in good condition and adequate for the proposed transfer,
  - ii. adequately supported and suspended, with no sharp angles, flats or kinks,
  - iii. of adequate length and sufficient to allow for movement of the ship.
- c) Ensure there are no hose joins either
  - a. within 1 metre of the ship side
  - b. in the gap between ship and shore
  - c. within 1 metre of the quay edge,
- d) Any hose joins shall be made using the appropriate gaskets and every bolt hole in each flange connection shall be utilised with appropriately tightened bolts. (Where quick release couplings or proprietary couplings are used they shall be appropriate for the operation, so as to avoid any possibility of leakage and they shall be fastened as per the manufacturer's instructions,
- e) At no time during the bunker operation shall any part of the filling system be over pressurised and care must be exercised not to cause a pressure shock in the lines by closing or opening valves in an inappropriate manner.
- f) There are adequate procedures for the disconnection of the pipe in the event of an emergency.

## Oil Spill Containment and Prevention

In order to prevent and/or contain any spill:

- a) Any changes to the bunkering plan or bunkering sequence should be agreed in writing by all parties to the operation.
- b) The Bunker Supervisor in charge of supplying the bunkers shall remain at the bunker station throughout the bunker operation and he or another person shall always be in attendance at or near to the emergency stop location.
- c) An emergency overflow tank should (if possible) be nominated and the valve for that tank should be identified and marked.
- d) The bunker connection on the vessel shall be contained within an oil tight bund.
- e) All scuppers/drains that may be vulnerable shall be sealed and/or plugged.
- f) Where there is any doubt as to the effectiveness of the bunker bund or the scupper seals to retain an oil spill on the vessel, then appropriate numbers and types of sorbent booms and mats shall be deployed around the vessel to intercept any possible spill before the oil reaches the scuppers.
- g) The ship's oil spill response equipment shall be readily available for deployment.
- h) The vessel shall have sufficient numbers of crew available in order to deploy spill equipment carried on board and crew shall have been exercised in spill containment and understand the requirements of the ship's own Ship Oil Pollution Emergency Plan (SOPEP).
- i) On completion of bunkering, the hoses must be fully drained before disconnection takes place.
- j) When disconnection of hoses is taking place a drip pan of appropriate size shall be deployed below any disconnection point that is not banded.
- k) Disconnected hoses shall be blanked before lowering or removing the hose from the ship.
- l) Ship filling points shall be blanked immediately they are no longer required.
- m) Any spilled oil or oil contained in bunds or drip pans shall be mopped up and all oil contaminated material shall be disposed of through the appropriate segregated waste management system.

## Possible Causes of a Spill

In addition to normal precautions Ship's Master should be aware of the following:

- a) Fuels loaded at a high rate may foam or have air entrapped within the oil, this may result in oil or an oil mist being ejected through the vent pipe.
- b) The loading rate should be appropriate to:
  - i. the size of the tank,
  - ii. the available capacity in the tank,
  - iii. the size of the fill pipe, and
  - iv. the size and position of the air vent pipe/s.
- c) Ship's Officers must be aware that a ship's list or trim can affect the ability of air vents to adequately vent a tank. This is particularly relevant where the tanks are being filled to near capacity, as air locks may form in the higher end of a tank remote from the air vent pipe, this is particularly relevant where the air vent is sited in a lower part of the tank (be that by design or as a result of list or heel).
- d) Ballasting of tanks or filling of fresh water tanks should be avoided during bunker operations. If this is not possible, then every precaution should be taken to ensure that ballast or fresh water does not overflow onto deck. In the event of a ballast/fresh water

overflow, the bunker operation must cease immediately until the deck has been cleared of all water and the scuppers/drains rechecked for tightness.

- e) Ullage gauges should be checked for accuracy before and during the loading process and a secondary means of ullaging carried out during the bunker operation.

## Appendix 1

### OIL TRANSFERS - COMMUNICATIONS POLICY

This policy applies to all vessels in Brightlingsea Harbour.

All transfers of oils (including liquid waste) shall be reported to The Harbour Office on VHF Channel 68 information required shall include the;

- Name of Vessel
- Berth or location in the port.
- Mode of transfer (pipeline, road transport, ship to ship, other)
- Commodity being transferred (Fuel oil, Gas oil, waste oil, dirty water, etc.)
- Quantity in Litres
- Time of start of transfer
- Time of completion of transfer

In the event of an incident resulting in an oil spill, the facts of the spill must be reported immediately to Brightlingsea Harbour, Vessels must take all necessary action to prevent oil entering the water.

#### Contact Numbers:

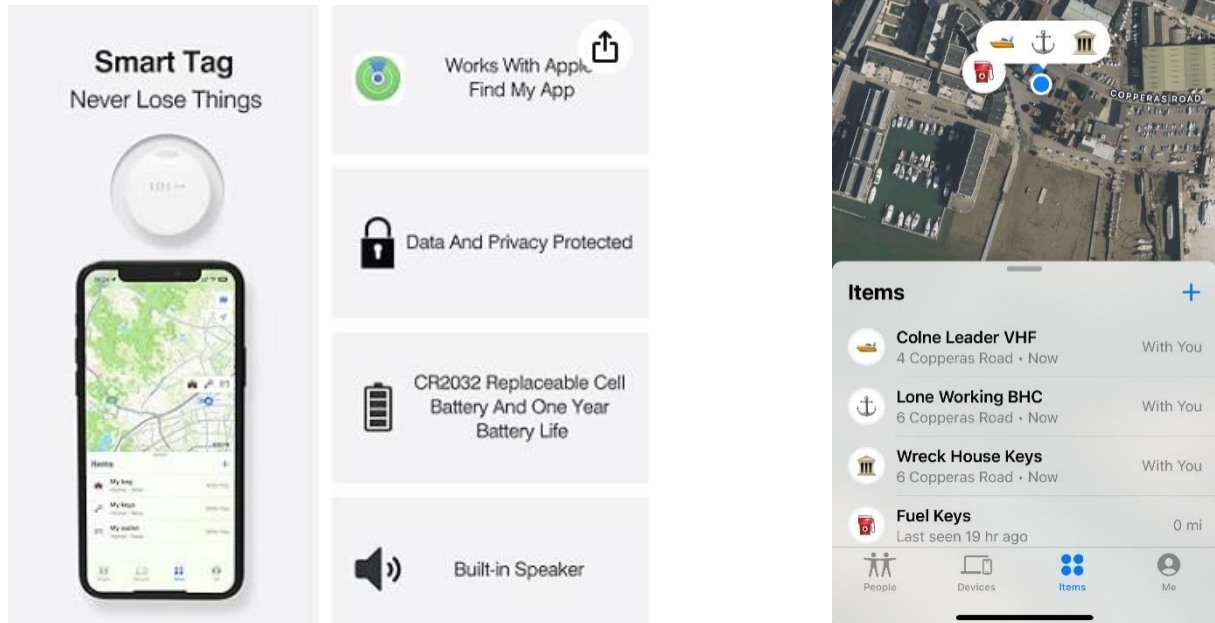
Harbour Office:	+44 (0)	1206302200	<a href="mailto:mail@brightlingseaharbour.org">mail@brightlingseaharbour.org</a>
Olivers Wharf	+44 (0)	1206588488	<a href="mailto:info@olivers-wharf.co.uk">info@olivers-wharf.co.uk</a>

## LONE WORKING POLICY

1. It is recognised that the greatest risk to safety of life is to staff working alone and afloat. This Lone Working policy has been developed in order to mitigate this risk, and must be adhered to by all staff members.
2. Lone Working afloat is only authorized if:
  - a. Staff correctly wearing an automatically inflatable lifejacket which is in date for service (to be worn within 5m of the water).
  - b. The crew is in contact with other harbour staff via radio or mobile phone.
  - c. Work does not involve operating over the side of the boat i.e. working mooring chains or floats.
  - d. Visibility is greater than 1000 metres.
  - e. Wind force is less than 20 kts and wave heights less than 1 metre.
  - f. The crew are carrying the tracking device, and have ensured the master monitor is being checked by shoreside staff.
  - g. At night in addition to the above requirements, the crew is wearing a Personal Location Beacon (PLB).
3. This lone working policy applies to boats operating:
  - a. Within the Creek between Brightlingsea Spit Cardinal Mark and Underwood's Yard in the North Channel and White's Pontoon in the South Channel during the hours of darkness or out of office hours.
  - b. Within the River during night hours as necessary for ferry landings on Mersea Stone.
4. Operators of the Water Taxi during evening hours must be diligent in the application of this policy, and if in any doubts over their ability to adhere to this policy, or the prevailing weather conditions they must make the Duty Harbour Master aware.

Brightlingsea Harbour uses Apples 'Find My Phone' software linked with a number of tracker tags carried by those lone working.

This app is used in conjunction with a smart tag which works as the device being tracked and a mobile phone which works as the master device to monitor. Seen on the right and below is a working example of the device tracking:



The software enables us to:

- Track in real time.
- View previous tracks.
- Alarm the tracker remotely to gain attention.
- Be notified when the tracker comes ashore.

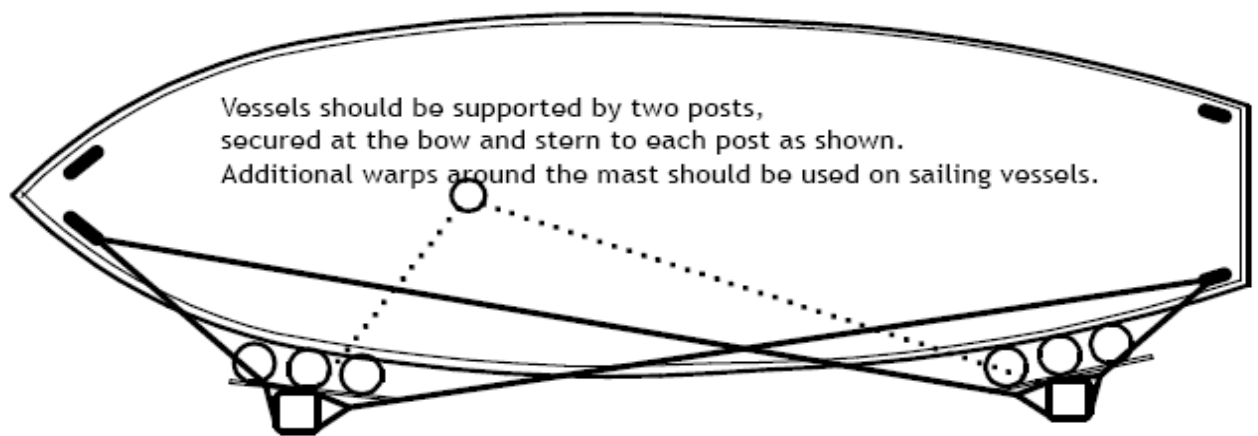
The device has not been, nor will it ever be, used to monitor staff productivity.



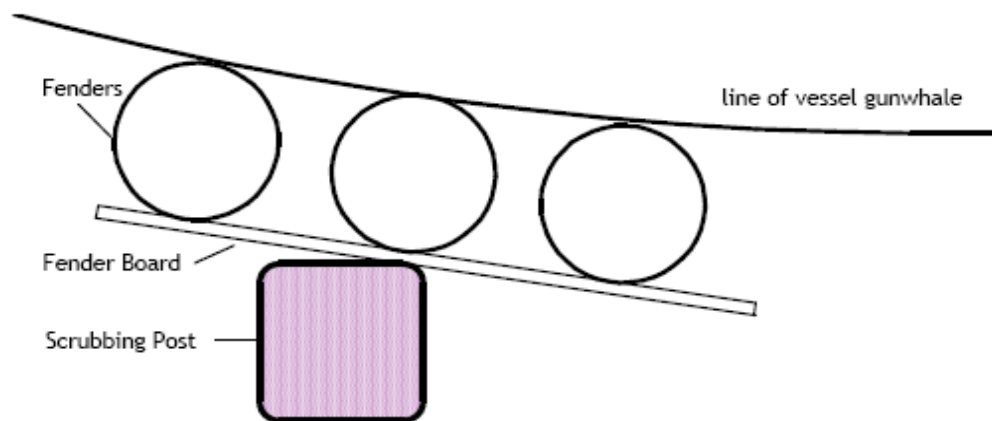
## Maintenance Posts Code of Practice

The following guidelines have been produced to reduce the risk of damage or injury to people and vessels using the maintenance posts, other users of the Hard and Maintenance Posts, their property and the general public.

- All users of the posts do so at their own risk and must indemnify BHC against any claims arising from the use.
- All users and their vessels must be insured against third party and public liability risks arising from the use of the posts. Proof of this may be requested by harbour staff and if not available, the use of the posts will not be permitted.
- Nothing in these guidelines shall absolve users of their responsibility for the safe use of the maintenance posts.
- When the maintenance posts are used for non-emergency purposes they must be booked in advance with BHC via the Harbour Office using the above contact details. In an emergency they may be used as necessary but every effort should be made to contact BHC with details prior to using them.
- When making a booking the tidal data for the maintenance posts and the height of tide on the requested day must be checked against the draft of the vessel. From this check the window of opportunity for berthing must be identified.
- Vessels should only lie on the side (east or west) booked. On occasions when there are two or more boats booked onto the posts at the same time, consideration must be given to the activity being undertaken to ensure safety of all persons involved and no mutual interference.
- A minimum of two people should be in attendance when berthing and securing to the posts. The vessel must be manned whilst the vessel settles on the ground. For first time users or those requiring assistance harbour staff may be available.
- Ropes used for securing the vessel should be fit for purpose regarding strength and condition. Recommended that two posts should be used and the vessel secured as shown in the diagram attached and shall remain secured until departure. The ropes should be tight but still capable of sliding up and down the posts. Over-tightened ropes could lead to vessel damage and post failure.
- Fender boards can be used to reduce the risk of damage whilst alongside the posts.

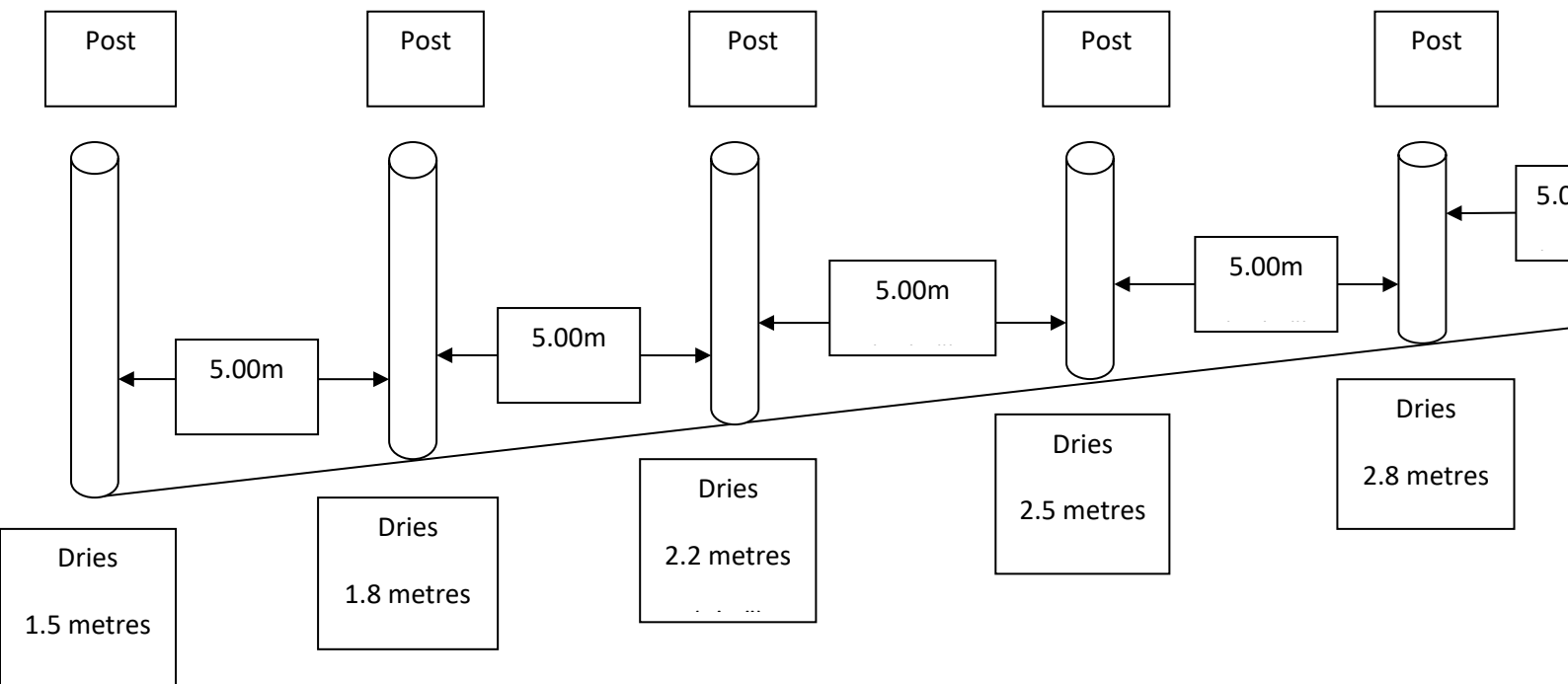


**Diagram 1. General Layout**



**Diagram 2. Detail at each Post**

# MAINTENANCE POSTS DATA



To find the depth on the Scrubbing Posts for a given tide subtract the drying heights shown above from the predicted height of tide. N.B. Tidal surges due to meteorological conditions can significantly alter the height of tide.

To find the depth on the Scrubbing Posts at a given time, subtract the drying heights shown above from the height of tide shown on the tide gauge on the eastern end of the Hammerhead of the Town Jetty.

**Example:-** If the tidal height on the tide gauge at the eastern end of the Hammerhead on the Town Jetty (or the predicted height of HW) is 4.6 metres, there will be:-

metres on the lowest post	$4.6\text{m} - 1.5\text{m} = 3.1$ (Post 1)
metres on the next post	$4.6\text{m} - 1.8\text{m} = 2.8$ (Post 2)
metres on the next post	$4.6\text{m} - 2.2\text{m} = 2.4$ (Post 3)
metres on the next post	$4.6\text{m} - 2.5\text{m} = 2.1$ (Post 4)
metres on the next post	$4.6\text{m} - 2.8\text{m} = 1.8$ (Post 5)
metres on the top post	$4.6\text{m} - 3.1\text{m} = 1.5$ (Post 6)

## **Life Jackets to be worn by contractors whilst working on harbour facilities next to the water.**

In accordance and compliance with the MCA Port Marine Safety Code, the Commissioners have a duty in law and can be prosecuted for not complying with Marine Safety Management System.

Contractors when working on harbour assets Pontoons, Marina etc must ensure that through their acts and omissions that the safety of themselves and others is not compromised.

Lifejackets must therefore be worn when working on all Brightlingsea Harbour commissioners' assets.

The HSE operate a procedure named; Fee for intervention and will prosecute individuals or businesses who fail to operate safely <http://www.hse.gov.uk/fee-for-intervention/>

No business operating in the harbour is exempt from complying with HSE/MCA direction, on our next inspection when they view our documents and look for evidence of compliance any failure is likely to be subject to immediate FFI. We will of course co-operate fully with them.

The Commissioners are working towards a cleaner, safer, more efficient and friendly environment for all. They do not want to see any business fail, so making you all aware of best practise, and by reducing risk to operators and contractors, we are reducing the risk of business failure, but more importantly reducing the risk of injury or death!

## **BHC Staff Training and Development policy**

Our **Employee Development BHC policy** refers to the company's learning and development programs and activities. In the modern competitive environment, employees need to replenish their knowledge and acquire new skills to do their jobs better. This will benefit both them and the company. We want them to feel confident about improving efficiency and productivity, as well as finding new ways towards personal development and success.

### **Scope**

This policy applies to all permanent, full-time or part-time, employees of BHC. Employees with temporary/short-term contracts might attend trainings at their manager's discretion. This policy doesn't cover supplementary employees like contractors or consultants.

### **Policy elements**

Employees, managers and HM, Deputy HM should all collaborate to build a continuous professional development (CPD) culture. It's an employee's responsibility to seek new learning opportunities. It's a manager's responsibility to coach their teams and identify employee development needs. And it's BHC's responsibility to facilitate any staff development activities and processes.

### **What do we mean by training and development?**

In general, we approve and encourage the following employee trainings:

- Formal training sessions (individual or corporate)
- Employee Coaching and Mentoring
- Participating in conferences
- On-the-job training
- Job shadowing
- Job rotation

As part of our learning and development provisions, we can also arrange for subscriptions or educational material, so employees will have access to news, articles and other material that can help them become better at their job. There are two conditions for this:

- Subscription/Material should be job-related
- All relevant fees should not exceed a set limit per person
- 

This list doesn't include software licences or other tools that are absolutely necessary for employees' jobs.

### **Individual training programs**

The company has certain provisions regarding individual training programs. All employees that have worked for the company more than four months are eligible to participate in external training programs individually or in teams. We will set a budget for each employee at the beginning of a year, which we'll renew annually. Employees can be absent for training for up to 10 days per year.

Employees can choose to attend as many training programs as they want, provided they don't exceed the budget and day limit. If they do, they'll have to use their paid time off (PTO) and pay any extra fees themselves.

Employees may have to bring proof of attendance.

Any employee training that the company mandates (e.g. due to inadequacies of an employee's performance or changes in their job description) is excluded from the training budget and time limit. The company may take care of the entire cost.

All trainings should consider what employees need and how they can learn best. This is why, we encourage employees and managers to consider multiple training methods like workshops, e-learning, lectures and more.

### Corporate training programs

We might occasionally engage experts to train our employees. The company will cover the entire cost in this case. Examples of this kind of training and development are:

- Equal employment opportunity training
- Diversity training
- Leadership training for managers
- Conflict resolution training for employees

This category also includes training conducted by internal experts and managers. Examples are:

- Training new employees
  - Training teams in company-related issues (e.g. new systems or policy changes)
  - Training employees to prepare them for promotions, transfers or new responsibilities
- Employees won't have to pay or use their leave for these types of trainings. Attendance records may be part of the process.

### Other types of training

Both employees and their managers are responsible for continuous learning. Employees should show willingness to improve by asking their managers for direction and advice. Managers should do the same with their own superiors, while encouraging and mentoring their subordinates.

Employees and managers are responsible for finding the best ways to CPD. They can experiment with job rotation, job shadowing and other types of on-the-job training (without disrupting daily operations). We also encourage employees to use their rights for self-paced learning by asking for educational material and access to other resources within allocated budget.

General guidelines:

- *All eligible employees are covered by this policy without discriminating against rank or protected characteristics.*
- *Managers should evaluate the success of training efforts. They should keep records for reference and better improvement opportunities.*
- *All employee development efforts should respect cost and time limitations, as well as individual and business needs.*

- *Employees should try to make the most out of their trainings by studying and finding ways to apply knowledge to their work.*
- *Employees are encouraged to use up their allocated training budget and time.*

### Procedure

This procedure should be followed when employees want to attend external training sessions or conferences:

1. Employees (or their team leaders) identify the need for training.
  2. Employees and team leaders discuss potential training programs or methods and come up with suggestions.
  3. Employees or team leaders contact BHC and briefly present their proposal. They might also have to complete a form.
  4. HM / DHM researches the proposal, with attention to budget and training content.
  5. BHC approves or rejects the proposal. If they reject it, they should provide employees with reasons in writing.
  6. If BHC approves, HM/DHM will make arrangements for dates, accommodation, reserving places etc.
  7. In cases where BHC doesn't pay for the training directly, employees will have to pay and send invoices or receipts to BHC finance. BHC Finance will approve employee reimbursement according to this information.
  8. If an employee decides to drop or cancel a training, they'll have to inform HM / DHM immediately. They'll also have to shoulder any cancellation or other fees.
  9. In cases where training ends with examination, employees are obliged to submit the results. If they don't pass the exam, they can retake it on their own expense.
- Generally, BHC will cover any training fees including registration and examination (one time). They may also cover transportation, accommodation and personal expenses. This is left to HM / DHM's discretion. If BHC decides to cover these costs, they should make arrangements themselves (e.g. tickets, hotel reservations). Any other covered expense that employees have will be reimbursed, after employees bring all relevant receipts and invoices. If employees want subscriptions, they should contact HM /DHM directly to do so. BHC will preferably set up the subscription. In some rare cases, they might give formal approval to employees so they can do it themselves. Once employees make arrangements, they should inform BHC of the cost and any other details in writing. Any relevant invoices should also be sent to BHC Finance.

BHC's responsibilities also include:

- Assessing training needs
- Maintaining budgets and training schedules
- Assisting with learning and development activities and strategies
- Promoting corporate training programs and employee development plans
- Calculating learning and development KPIs whenever possible and decide on improvements

## Pilot, Work Boat, Ferry and Taxi Training Requirements

### Introduction

Brightlingsea Harbour utilises pilot boat / workboat, ferries and launches to undertake its operations.

Mandatory training shall be carried out to ensure all users of these vessels (including pilots, passengers and persons intending to transfer) are able to do so in the safest possible manner. Applicable training must be successfully completed and recorded prior to any person making use of the Harbour's vessels. This Appendix determines the training required for use of the vessels based on the cohort, the proposed activity and its' location.

### References

- *The embarkation & Disembarkation of pilot's code of safe practice 2021*
- *PMSC*
- *Pilotage Act 1987*
- *The work boat code Edition 2 Amendment 1*
- *SOLAS chapter V Reg 17-23*
- *MGN 50*
- *MGN 432*
- *UKMPA [www.ukmpa.org](http://www.ukmpa.org)*
- *IMPA [www.impahq.org](http://www.impahq.org)*

### General Conditions

Before authorisation may be given for use of the Harbour's vessels, the following conditions must be met:

- The DHM/HM must be satisfied that the proposed use is consistent with the safe operations of the vessel, and
- There is a genuine reason for the operation, and
- All persons requesting use of the vessel are fit and capable to undertake the proposed operation, and
- All applicable training is complete and a suitable record, and
- All vessel users must have a suitable lifejacket or pilot coat which must be fitted and worn correctly, including using the crotch strap if fitted.

### Responsibilities

In the event of picking up passengers in the harbour, the Launch Coxswain will ensure applicable items are stowed in the grab bags and on board.

It is the responsibility of all persons to adhere to this procedure and report any deficiencies or breaches of it to the Deputy Harbour Master or HM, with a record made in the HM Office log.

### Person Groups

The table in Appendix 1 identifies four groups that may wish to use the Harbour's vessels and the training requirements for each.



Examples of those expected to undergo specific training:

- Brightlingsea's authorised pilots and trainee pilots.
- Pilots from other Pilotage Authorities and their trainee pilots using BHC pilot vessel.
- All employees of BHC that are part of pilotage transfers.

### Locations

The location of the proposed operation is critical to the potential risk level and therefore the level of training required. For clarity, the two locations within Appendix 1 are defined below:

- In Harbour and River Colne  
This encompasses all water within the Harbour and a vector line from Mersea Stone to the Martello Tower on Pt Clear.
- Outside Harbour and River Colne.  
This encompasses all water to seaward of the vector line from Mersea Stone to the Martello Tower at pt. clear.

### Training Elements

The training elements given in Appendix 1 are outlined below for clarity. All training must be provided by a suitably competent provider.

Persons falling under Person Groups 'Other Pilots' - A covering letter of confirmation is required from each organisation that has an agreement in place for the provision of boarding and landing services.

### Harbour vessel Familiarisation

All users of Harbour vessels will be required to undertake a physical tour to familiarise themselves with the vessel to be used and its equipment. This familiarisation will include as a minimum:

- Roles and responsibilities on board
- Access to and egress from the vessel
- Seating arrangements and seating adjustments
- Location of emergency lifejackets and survival suits
- Emergency procedures, including a MOB drill

Additional elements will be added to the training, dependent on the reason for the vessel use. These elements may include:

- Hadrian Rail System
- Accessing open decks
- Photography requests
- Drone Use

### Boarding and Landing Safety

Any person proposing to board a vessel or land from a vessel while underway (if this operation originates via BHC) will be required to undertake Boarding and Landing Safety training. This will be delivered by a suitably competent employee onboard the harbour vessel. This training will include:

- Pre-arrival procedure
- Accessing pilot launch outer decks

- Boarding and Landing Code
- Role of the launch crew
- Stepping onto / off the pilot ladder or step ashore
- Multiple transfer arrangements
- Count down procedure
- Emergency Procedures
- MOB procedures
- Abort procedures
- Carriage of bags and articles.

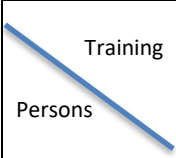
### Lifejacket / Pilot Coat Use

All persons must be capable of donning and securing a lifejacket or pilot coat without assistance and activating it manually if required.

### MOB Operations

All persons intending to board a vessel using the BHC's vessel will be advised of the MOB procedure both as a passenger and as a casualty.

### Appendix 1

 <div>Training Persons</div>	Sea Survival	Launch Familiarisation	Boarding & landing safety Brief	LJ & Pilot Coat use and PLB use	MOB Operations	Disclaimer completed SMS Sign
Boarding or landing within the Harbour and River Colne (Using BHC Pilot Vessel for transfer)						
BHC Pilots	Yes	Yes	Yes	Yes	Yes	Yes
Other Pilots	Yes	yes	Yes	Yes	Yes	Yes
BHC staff	Yes	yes	Yes	Yes	Yes	Yes
Non BHC	Yes	yes	Yes	Yes	Yes	Yes
Boarding and landing outside the Harbour and River Colne (Not using BHC Pilot Vessel for transfer)						
BHC Pilots	Yes	Yes	Yes	Yes	Yes	Yes
Other Pilots	No	No	No	No	No	No
BHC staff	Yes	Yes	Yes	Yes	Yes	Yes
Non BHC	No	No	No	No	No	No