

# North Yorkshire Council

## Scarborough and Whitby Area Committee

5 June 2026

### Annual Report of Performance Against the Safety Plan (Port & Marine Facilities Safety Code)

#### Report of the Corporate Director – Environment

#### 1.0 PURPOSE OF REPORT

- 1.1 To ensure North Yorkshire Council, in its role as the Statutory Harbour Authority for Whitby and Scarborough Harbours, meets its obligations to report an annual assessment of performance against the Safety Plan.
- 1.2 To reassure the Council's Area Committee that procedures are in place to ensure the Corporate Director - Environment, as the "Duty Holder", is fully informed of the port's performance against the plan, as required by the Port & Marine Facilities Safety Code.

#### 2.0 BACKGROUND

- 2.1 The Port & Marine Facilities Safety Code (the Code) is a nationally agreed standard designed to implement safety standards for marine operations, at ports, harbours and marine facilities throughout the United Kingdom.
- 2.2 The aim of the Code is to enhance safety for everyone who uses or works in the UK port marine environment. It is endorsed by the UK Government, the devolved administrations and representatives from across the maritime sector and, while the Code is not mandatory, these bodies have a strong expectation that all harbour authorities and facilities will comply. Numerous sections of the Code are based upon mandatory legislation. The Code is intended to be flexible enough that any size or type of harbour or marine facility will be able to apply its principles in a way that is appropriate and proportionate to local requirements.
- 2.3 The Code consists of two documents namely the Port & Marine Facilities Safety Code itself and an associated "guide to good practice on port marine operations". Both the Code and the Guide to Good Practice was last updated in April 2025 and statutory harbour authorities were given until 31 March 2026 to declare their compliance. The Code aims to assist Harbour Authorities and facilities, who are accountable for managing marine operations within their jurisdiction, in maintaining a safe environment.
- 2.4 These Code aims are designed to be achieved through the implementation of individual Marine Safety Management Systems (SMS) that are based on a formal risk assessment process. This ensures that the risks associated with marine operations are properly identified and managed to a level which is tolerable and as low as reasonably practicable. It should be noted that this does not mean that all risks have been removed but rather that risks have been identified and mitigation measures put in place, where possible, reasonable and appropriate.
- 2.5 NYC's Safety Management System, along with the Safety Policy and Safety Plan, are based upon the concepts and standards contained within the Port & Marine Facilities Safety Code and the Guide to Good Practice published by the Maritime and Coastguard Agency.

- 2.6 The aims of the SMS, as defined by the Duty Holder are:
- To ensure, as far as is reasonably practicable, the safety of all users of the Harbours and their services.
  - To undertake and regulate marine operations in a way that, as far as is reasonably practicable, safeguards the harbour, its users, the public and the environment.
  - To conserve and promote a safety culture within the Harbour environment.
  - Provide adequate resources to successfully discharge the Council's obligations under the Port & Marine Facilities Safety Code.
  - Ensure that procedures are in place for the effective maintenance, operation, improvement or conservancy of the Harbours.
  - To prevent loss or injury caused by the Authority's negligence.
  - To manage the relevant assets of the Authority safely and efficiently.
  - To discharge the duties and powers described in the Port & Marine Facilities Safety Code.
  - To recruit and train operational staff to nationally agreed competence levels.
- 2.7 The Duty Holder publishes a Statement of Compliance to the Chief Executive of the Maritime and Coastguard Agency every three years which was last submitted on 27 March 2026.
- 2.8 The SMS is reviewed and enhanced on an ongoing basis including formally at quarterly Port & Marine Facilities Safety Code Management meetings. These enhancements incorporate changes made following publication by the MCA of updated versions of the PMFSC, the Guide to Good Practice, annual Health Check Trend analysis and internal and external audits. Internal audits are conducted annually by the Designated Person (DP). External audits are required by the PMFSC to be conducted every three years; however, NYC has opted to enhance this by conducting these annually with an independent marine consultant.

### **3.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE**

- 3.1 The Statutory Harbour Authority has a proven Safety Management System which aims to ensure that policies, plans and procedures undergo review and are developed, where necessary, to satisfy the requirements of the Code. Amendments can be seen in a change log as the SMS is updated, and the SMS is reapproved annually by the Duty Holder who signs the SMS Statement of Compliance. An internal audit of the SMS was conducted by the Designated Person in November 2025.
- 3.2 The Code states that the 'Duty Holder' is accountable for the organisation's compliance with the Code and its performance in ensuring safe marine operations. The Duty Holder is the Council's Executive Director – Environment and undertook external 'Duty Holder' training on 5 December 2022 which satisfies one of the requirements of the Code for the Duty Holder to have received training. The Code outlines how that responsibility is discharged, based on the general principle that the Duty Holder is ultimately accountable for safe and efficient operations. The Duty Holder makes a clear published commitment to comply with the standards laid down in the Code. The PMFSC also states that the Duty Holder may not abdicate responsibility on the grounds that they do not have particular skills.

- 3.3 The PMFSC requires that each organisation must appoint an individual as the Designated Person (DP) to provide independent assurance directly to the Duty Holder that the marine safety management system, for which the Duty Holder is responsible, is working effectively. Their main responsibility is to determine, through assessment and audit, the effectiveness of the marine safety management system in ensuring compliance with the Code. The DP must have direct access with both the Duty Holder and senior harbour management. Ultimately it is the Duty Holder who is responsible for deciding who should be appointed as the DP in order to provide the level of assurance that they believe is necessary to comply with the Code.
- 3.4 The current DP is therefore an external appointment, and the Council has appointed Mr Alan Feast of ASF Consultants to ensure a separation and independence between the DP and the Duty Holder. AFS combine experience with professional qualifications and provide a wide range of maritime and port experience. Mr Feast has direct access to the duty holder.
- 3.5 The MCA is responsible to the Secretary of State for Transport in advising on the composition and application of the Code to all ports in the UK. This includes but is not limited to the conducting of Health Checks and the monitoring of compliance of harbour authorities against the Code. The MCA generally endeavours to conduct health checks of eight harbour authorities per annum and North Yorkshire Council as the Harbour Authority undertook a health check in March 2024. This Health Check confirmed compliance with the Code and highlighted a number of 'good practice' areas which have since been shared with other Authorities around the UK. Unless targeted specifically, it is not likely that another routine health check will take place in our ports for a number of years however, it is important that compliance be maintained, and complacency avoided.
- 3.6 In the absence of an MCA Health Check and due to the issue of a new updated versions of the Code and the Guide to Good Practice, the harbour authority set about demonstrating its compliance with the revised documents via an independent external audit by the DP.
- 3.7 In addition to marine activity, the Harbours and its extensive associated infrastructure are also utilised by a significant volume of general public either for leisure or work-based activities. The Code highlights the need to protect all persons from dangers arising from marine activities within the harbour or associated facilities. The Harbour Authority are committed to safeguarding the Harbours for all users to ensure, as far as is reasonably practicable, the safety of all and uses the following measures:
- Vessel traffic within the harbours limits are monitored 24 hours, 365 days per year from the Local Port Services (LPS) offices, commonly referred to as 'Port Control'. Harbour watch keepers are trained in LPS, and have the delegated power of the Harbour Master to advise and direct vessels.
  - Senior Harbour Management are available on a 24/7- 365 day rota system to ensure that a Duty Harbour Master is always available to give support and guidance to LPS staff and to react to any emergencies.
  - Issuing Navigational Notices. The Harbour Authority is responsible for the timely promulgation of navigation information to all harbour users and liaison with external partners including HM Coastguard and the UK Hydrographic Office.
  - Harbour Works Management. The Harbour Authority is responsible for managing many aspects of harbour works within its jurisdiction. Applications are reviewed to ensure they do not adversely affect the harbour, its regimes or environments and ultimately the users and safety of navigation.

- Port Conservancy. Conservation of the hydrographic regime and the aids to navigation of the ports is achieved under the Authority's powers as a Local Lighthouse Authority and through a programme of dredging utilising the Authority's own dredging equipment. Whilst the Authority has powers to dredge the harbours, separate licensing is required for the disposal of spoil at sea. This licensing is managed by the Marine Management Organisation.
- Incident Investigation. Incidents relating to marine/port user activities within harbour limits are the subject of an investigation process, carried out by a member of the Harbour Management team and if required, external agencies. The main aim of this process is to prevent any recurrence. Where required or of particular interest, incidents are reported to the Marine Accident Investigation Branch (MAIB) and the Harbour Authority will assist external agencies with their investigations, as appropriate.
- Environmental Protection. The Harbour Authority maintains compliance with the Oil Pollution Preparedness, Response and Co-operation (OPRC) requirements. This includes the maintenance of an Oil Spill Plan, equipment necessary for the handling of small incidents and a contract with a tier 2 responder for larger incidents. Harbour staff have undertaken training to deal with oil spill incidents and regularly exercise locally. The plans implementation has been the subject of an external audit during 2022 conducted by the Maritime and Coastguard Agency. A very successful major multi-agency exercise took place in February 2026 including involvement from the MCAs Counter Pollution team, HM Coastguard, and the Council's own emergency response organisation, Ambipar.
- Safety Management System. The Designated Person conducts the internal audit annually, and additionally external independent marine consultants undertake an external audit. The objective is to provide assurance to the Duty Holder that the SMS is working effectively and that the Harbour Authority is compliant with the recommendations of the PMSC.

3.8 The DP advised the Duty Holder that he was satisfied that the Council could certify compliance in March 2026.

#### **4.0 PERFORMANCE**

4.1 The following information while not exhaustive is a guide to the harbour authority's performance against the 10 key measures identified as critical to the management of port and marine safety within the Code.

## 4.1.1

<b>Measure</b>	<b>Objective</b>	<b>Measurement of Performance</b>
1. Duty Holder	Duty Holder in place.	Available 24/7. Training completed on role. Compliance with the code reported March 2026.
2. Designated Person	Designated Person in place.	Suitably qualified and experienced. Independent of the Statutory Harbour Authority. Improvement since last MCA inspection. In contact with the Duty Holder. Undertakes annual audits.
3. Legislation	Awareness of the organisation's legal powers, duties and responsibilities based on applicable local and national legislation.	Training provided. Local and national legislation in place and being followed.
4. Duties and Powers	Comply with any statutory duties and responsibilities.	Jurisdiction understood and clarified during Whitby court case. Harbour Master appointed Vessel Traffic Services in place and audited. Ability to use powers demonstrated. Harbour dues set and collected. Oil spill contingency plan in place.
5. Risk Assessment	Ensure that risks are formally assessed and are eliminated or reduced to the lowest possible level, so far as is reasonably practicable, in accordance with good practice.	Risk assessments in place. Completed by competent persons. Updates from MIAB circulated.
6. Marine Safety management System	Operate an effective MSMS which is based on formal risk assessment.	SMS in place. SMS reviewed annually by Designated Person. Achieved through internal and external audits. Enhanced systems and procedures developed including digitalisation allowing for increased efficiency and enhanced monitoring capabilities.
7. Review & Audit	Review and audit performance against applicable requirements of the Code.	Harbour Master's annual report. Independent audits and inspections by DP. Regular reports to Area Committee or Overview and Scrutiny Committee.

8. Competence	Use people who are appropriately trained, qualified and experienced to manage marine safety.	Persons appointed to positions with responsibility for the safety of marine operations possess appropriate competencies and qualifications. Training records maintained and reviewed.
9. Plan	Publish a marine safety plan showing how the standards in the Code will be met and produce a report assessing performance against that plan at least every 3 years.	Marine Safety Plan published. Harbour Masters annual report. Annual report to Area Committee.
10. Conservancy Duty	Ensure facilities are fit for purpose and maintain a duty of reasonable care to ensure that any vessel can utilise them safely.	Open Ports Duty maintained. Maintained Local Aids to Navigation in excess of the national target (97%) achieved at 97.41%. Maintained Dredger capabilities and Marine License compliance. Full bathymetric surveys provided to UKHO following dredging. Tide gauges in LPS control rooms and online. Local Notices to Mariners issued on website. Lifebuoys and defibrillators provided and checked regularly.

4.1.2 Accident Investigation Incidents during the two-year period 01 April 2024 to 31 March 2026:

	Filey	Scarborough	Whitby	Total
<b>Capsizing</b>	0	0	0	0
<b>Collision/Contact</b>	0	0	0	0
<b>Fall from heights</b>	0	0	1	1
<b>Fire</b>	0	1	0	1
<b>Grounding</b>	0	1	0	1
<b>Misc.</b>	0	2	2	4
<b>Near Miss</b>	0	3	0	3
<b>Person in Water</b>	0	2	2	4
<b>Pollution</b>	0	0	0	0
<b>Sinking</b>	0	0	0	0
<b>Structures/Property</b>	0	0	1	1
<b>Security</b>	0	0	0	0
<b>Personal Injury</b>	0	0	1	1
<b>Total</b>	0	9	7	16

4.2 The Harbour Authority analyses incident trends to identify any emerging hazards and if possible, implement control measures to reduce the number of incidents.

4.3 The effects of the pandemic can be clearly seen on incident statistics throughout 2020 and into 2021. During this period, owing to vastly reduced numbers of users around our harbours, the number of incidents had dropped to a minimal level. This has been carefully monitored to ensure that the drop in reported incidents was in fact as a result of the pandemic and wasn't from a failure of incident reporting and investigation procedures. Since the pandemic years, incident rates have return to pre-pandemic levels are roughly comparable.

4.3.1 Figure 1 Cumulative data from 01 Jan 2015 – 31 March. 2026:



## 5.0 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 Since implementation in 2000 the Port & Marine Facilities Safety Code has been widely consulted on. Harbour stakeholders and user representatives have been consulted as necessary. This has included assistance provided to by the Harbour Master in relation to other user's compliance with the code for their Facilities. The harbours Safety Management System is supported by the requisite legislation which has been previously consulted on before becoming law.

## 6.0 ALTERNATIVE OPTIONS CONSIDERED

6.1 None. There are no alternative options. While the Code is not mandatory, there is a strong expectation that all harbour authorities and facilities will comply. Compliance also reduces the legal risks for the Council.

## 7.0 FINANCIAL IMPLICATIONS

7.1 This is a performance report. There are no financial implications as a result of this report.

## 8.0 LEGAL IMPLICATIONS

8.1 This is a performance report. There are no legal implications as a result of this report.

## 9.0 EQUALITIES IMPLICATIONS

9.1 This is a performance report. There are no equalities implications as a result of this report.

## **10.0 CLIMATE CHANGE IMPLICATIONS**

10.1 This is a performance report. There are no climate change implications as a result of this report.

## **11.0 REASONS FOR RECOMMENDATIONS**

11.1 To ensure the safe running of the harbour authority and to provide oversight and scrutiny of the compliance with the Port & Marine Facilities Safety Code.

## **12.0 RECOMMENDATION**

12.1 To accept and acknowledge the Harbour Authority's report of performance against the recommendations of the Port & Marine Facilities Safety Code.

### **APPENDICES:**

None

### **BACKGROUND DOCUMENTS:**

None

Karl Battersby  
Corporate Director – Environment  
County Hall  
Northallerton

11 May 2026