

Argyll and Bute Council manages these ports, harbours and piers as the Statutory Harbour Authority (SHA) and Local Lighthouse Authority (LLA). Additionally, the Council is the Marine Asset Owner at the further 28 piers, jetties and slipways with a range of duties and responsibilities described in the Port Marine Safety Code, health and safety, environmental and maritime legislation and guidance.

The Executive Director of Development & Infrastructure Services is the Duty Holder under the Port Marine Safety Code.

2. Enforcement

Under the Port Marine Safety Code, Argyll and Bute Council is responsible for the effective enforcement of regulations made and directions given to assist in managing marine operations and ensuring safety of navigation within their harbours.

This is achieved by the Argyll and Bute Council Harbour Masters:

- Maintaining strategic and operational oversight of the activities in the Harbours to ensure the duties, responsibilities and powers of Argyll and Bute Council as statutory harbour authority or non-statutory asset owner are discharged but not exceeded.
- Liaising with, guiding and supporting any Harbour Operator as required to ensure safe and efficient operation of CalMac Ferry Services from non-staffed Argyll and Bute Council harbours and facilities.

Enforcement underpins navigational safety by ensuring compliance with legislation, byelaws or regulation. It requires effective surveillance, incident investigation, and leads, where appropriate, to sanctions imposed either by Argyll and Bute Council or when necessary, by the Courts. Argyll and Bute Council will ensure that any enforcement action taken is proportional to the risks posed by the breach of legislation, byelaws or regulation and the seriousness of the offence.

Any decision regarding enforcement action will be impartial and objective, and will not be influenced by race, gender, politics, sexual orientation, disability or religious beliefs of any alleged offender, victim or witness. Such decisions will not be affected by improper or undue pressure from any source.

A consistent approach to enforcement in similar circumstances will be adopted throughout the harbour network and effective liaison will be maintained with enforcing authorities. Enforcement will be concentrated on those activities which cause the greatest threat to public safety, employee safety and pose the greatest threats to the environment or undermine regulatory regimes, which have been created to protect and improve the environment and safety and prevent harm to human health.

3. Prosecution

Safety Management System in respect of identifying, promulgating and making good
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