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XXXXX  
Department for Transport  
Maritime Safety and Environment  
Zone 2/34  
Great Minster House  
76 Marsham Street  
London  
SW1P 4DR  
Direct Line: 020 7944 XXXXX  
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E-mail: XXXXX

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: F0007516

19 April 2011

Dear XXXXX,

## **FREEDOM OF INFORMATION REQUEST**

I am writing to confirm that the Department for Transport (DfT) has now completed its search for the information, which you requested on 21 March.

A copy of the information is enclosed i.e. the DfT's letter of 28 June 2010 to Steve Benyon, Chief Executive, Isle of Wight Council. I confirm DfT received no response from Isle of Wight Council to the letter.

In disclosing the letter, we have redacted the names and contact details of junior officials (those below Senior Civil Servant grade) in accordance with Section 40(2) of the Freedom of Information Act 2000. Section 40(2) provides an absolute exemption for personal data.

The decision for the DfT to send the letter to Isle of Wight Council was made at a meeting of its Port Safety Review Group (PSRG), which includes representatives of the Maritime and Coastguard Agency, the central DfT, and other regulatory authorities that have an interest in port safety and security matters. The concerns you raised in earlier correspondence were discussed at the meeting and the PSRG decided that DfT should send the letter to Isle of Wight Council. The meeting note is the only record DfT has with the MCA in relation to this decision; the relevant extract is as follows:

- 4.1. **Newport (Isle of Wight):** A small port used for leisure, fishing and commercial activities. XXXXX, XXXXX has written a number of letters to DfT, complaining about the commercial mismanagement and lack of investment in port facilities by Isle of Wight Council. The port does not have a Designated Person and XXXXX alleges that the harbour authority are not complying with the PMSC. MCA: Received no response to their PMSC Compliance survey in November 2009, but some doubt as to whether the port is a Competent Harbour Authority (CHA). HSE had no specific concerns at the port.

**Action – DfT ports** to write to Isle of Wight Council to ask if it has any safety related issues and to set out how the Government can help

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department's Information Rights Unit at:

Zone D/04  
Ashdown House  
Sedlescombe Road North  
Hastings  
East Sussex TN37 7GA  
E-mail: FOI-Advice-Team-DFT@dft.gsi.gov.uk

Please see attached details of DfT's complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

**XXXXX**

**Maritime Safety and Environment**

Your right to complain to DfT and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Steve Beynon  
Chief Executive  
Isle of Wight Council  
County Hall  
High Street  
Newport  
Isle of Wight  
PO30 1UD

XXXXX  
Ports Division  
Department for Transport  
Great Minster House  
76 Marsham Street  
London SW1P 4DR

Direct Line: 020 7944 XXXXX  
XXXXX  
Fax: 020 7944 XXXXX

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: PCP/21/4/20

28 June 2010

Dear Mr Beynon,

### **Port Marine Safety Code**

I am writing to draw your personal attention to the latest version of the Port Marine Safety Code ('the Code') and the revised Guide to Good Practice on Port Marine Operations ('the Guide').

The UK ports sector operates in a highly competitive market, and there is a huge variety and diversity in terms of size, geographical location, ownership, function and services offered. However, while there are company, trust and municipal ports, all harbour authorities have something in common. All have legal duties relating to the safety of people who use your harbour and property and for the wellbeing of the port environment and its community.

In October 2009, the Government published the revised version of the Code and the Guide. The original Code, aimed to achieve and maintain nationally agreed standards for safe marine operations within their waters, was published in 2000. The latest version is more user friendly setting out key roles and responsibilities, in a succinct format, for the Duty Holder in a summary at pages 8 to 10. The Guide provides more detailed advice and examples of good practice.

Both the Code and the Guide were prepared with the industry and provides a good example of what can be achieved when government and industry work together to address common aims. For the future, port associations and other parts of industry have agreed to update the Guide on an annual basis.

The government, other regulatory authorities and the industry associations expect that all harbour authorities will comply with the Code. The Code does not create new legal obligations, but includes, amongst other things, references to the main legal duties which already exist.

The Department for Transport works with a variety of partners and we actively seek to assist ports in ways which will be of benefit to all those who use them and to the port itself. Some of our partners are the Health and Safety Executive, the Maritime and Coastguard Agency and Dangerous Goods Division. Please find a list of partners, together with ways in which they can help, at Annex A.

If you feel that we can be of any assistance, we would be happy to hear from you.

Finally, I enclose a copy of the revised Port Marine Safety Code and a copy of the two page summary in a handy easy to read format. Please note that the Guide <http://www.dft.gov.uk/pgr/shippingports/ports/goodpracticemarineoperations.pdf> (as well as the Code <http://www.dft.gov.uk/pgr/shippingports/ports/pmsc.pdf> ) is located on, and can be downloaded from, the Department for Transport's website at the website addresses provided.

Yours sincerely,

XXXXX

## **Annex A**

### **The Health and Safety Executive**

The Health and Safety Executive and Local Authority (LA) Health & Safety inspectors are responsible for regulating occupational health and safety in all workplaces. In general terms, HSE enforces in industrial premises, which include ports, and the LAs enforce in commercial premises and leisure facilities such as marinas. Information about the legislation and about how HSE and LAs work together and with the Maritime and Coastguard Agency (MCA) and other regulators can be found on the HSE website at <http://www.hse.gov.uk/index.htm> and <http://www.hse.gov.uk/docks/index.htm>

The general duties to manage and reduce health and safety risks are set out in the Health & Safety at Work Act 1974 and the Management of Health & Safety at Work Regulations 1999, which set out the basic framework for management systems and risk assessment. There is also more specific legislation such as the Docks Regulations 1988. HSE or LA inspectors may visit your premises for routine inspections or in response to reported incidents or complaints. General advice and guidance are available on the website or from the HSE Infoline on 0845 345 0055 or at <http://www.hse.gov.uk/contact/ask.htm>. For more specific advice you may contact your local HSE or LA office <http://www.hse.gov.uk/contact/maps/index.htm>.

### **TRANSEC**

In the UK security related issues on passenger ships over 500 gross tonnes on international voyages and on certain domestic sea going vessels, and the ports which serve them, is the responsibility of TRANSEC (Transport Security and Contingencies Branch) part of the Department for Transport (DfT).

TRANSEC employs a dedicated team of maritime security compliance inspectors to ensure that these ships and ports are compliant with UK, EC and International regulations and Codes.

Further details including contact information is available on the DfT website: [www.dft.gov.uk](http://www.dft.gov.uk)

### **Maritime and Coastguard Agency**

The Maritime and Coastguard Agency (MCA) is responsible throughout the UK for implementing the Government's maritime safety policy. That includes co-ordinating search and rescue at sea through Her Majesty's Coastguard, and checking that ships meet UK and international safety rules.

We work to prevent the loss of lives at the coast, and at sea, to ensure that ships are safe, and to prevent coastal pollution – Safer Lives, Safer Ships, Cleaner Sea.

The MCA would be happy to give guidance on the way forward should any Authority wish to speak about any aspect of the Port Marine Safety Code. Please contact the XXXXX, XXXXX at:

Address: Spring Place, 105 Commercial Road, Southampton, SO15 1EG  
Tel: 023 8032 9100  
E-Mail: XXXXX

### **Dangerous Goods Division, DfT**

Dangerous Goods Division (DGD) in conjunction with the Vehicle Certification Agency can provide Information on the carriage of dangerous goods. This can be obtained by e-mailing [dangerousgoods@dft.gsi.gov.uk](mailto:dangerousgoods@dft.gsi.gov.uk) or by telephoning: 0202 7944 2755. In addition there is a publicly accessible dangerous goods database that can give limited information on dangerous goods if either the UN number or name of substance is known. This can be found at: <http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1082971206&type=PIP> .