

OBAN BAY – SINGLE HARBOUR AUTHORITY

1.0 EXECUTIVE SUMMARY

- 1.1 A report was presented to Members at the December 2019 meeting of the Harbour Board which explained the background to the creation of the Oban Bay Management Group (OBMG) and why a Single Harbour Authority (SHA) is being considered; it set out the proposals of the Oban Community Harbour Development Association (OCHDA) for the development of a Trust Port and the potential next steps. This report provides Members with an update on progress.
- 1.2 At the December meeting of the Harbour Board last year, Members:
- Subject to consultation with the OLI Area Committee, Instruct officers to investigate further the proposal to establish a Trust Port and to the transfer of powers at the South Pier (any transfer would not happen unless the Harbour Order was subsequently granted by Transport Scotland).
 - Instruct officers to investigate further with OCHDA the options of transferring the powers at the North Pier and the transfer of assets at the North Pier, on a commercial basis.
 - Recommend to Policy and Resources Committee that they delegate to the Executive Director with responsibility for Marine Operations in consultation with the Executive Director with responsibility for Legal Services the agreement of an MoU with OCHDA on the basis set out in paragraph 4.18 of the submitted report.
- 1.3 OCHDA has held a series of meetings with Council members and officers. Council officers continue to liaise closely with both OBMG and OCHDA; the Council will be supportive of OCHDA wherever possible.
- 1.4 OCHDA is proposing a transfer of the Council's existing powers and responsibilities in Oban Bay, including those around the North Pier, to the new Harbour Authority. To date there has been no formal submission from OCHDA re transfer of Council assets. Fundraising by OCHDA continues.
- 1.5 Members are asked to note this report. A separate report will be presented to the Oban, Lorn and the Isles (OLI) Area Committee.

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2.0 INTRODUCTION

2.1 A report was presented to Members at the December 2019 meeting of the Harbour Board which explained the background to the creation of the Oban Bay Management Group (OBMG) and why a Single Harbour Authority (SHA) is being considered; it set out the proposals of the Oban Community Harbour Development Association (OCHDA) for the development of a Trust Port and the potential next steps. This report provides Members with an update on progress.

3.0 RECOMMENDATIONS

3.1 Members are asked to note this report. A separate report will be presented to Oban Lorn and the Isles (OLI) Area Committee.

4.0 DETAIL

4.1 At the December meeting of the Harbour Board last year, Members:

- Agreed, subject to consultation with the Oban Lorn and the Isles Area Committee, to instruct officers to investigate further the proposal to establish a Trust Port and to the transfer of powers at the South Pier (any transfer would not happen unless the Harbour Order was subsequently granted by Transport Scotland).
- Instructed officers to investigate further with Oban Community Harbour Development Authority (OCHDA) the options of transferring the powers at the North Pier and the transfer of assets at the North Pier, on a commercial basis.
- Agreed to recommend to the Policy and Resources Committee that they delegate to the Executive Director with responsibility for Marine Operations, in consultation with the Executive Director with responsibility for Legal Services, the agreement of a Memorandum of Understanding with Oban Community Harbour Development Authority (OCHDA) on the basis set out in paragraph 4.18 of the submitted report – see below.

- Para 4.18 *To provide OCHDA with evidence of continued progress and to demonstrate a willingness by the council to explore the options to transfer assets and powers, officers recommend that an MOU is entered into by both parties. The MOU would set out a willingness on the part of both organisations to enter into further discussions regarding the establishment of a Trust Port, agree to explore the commercial terms on which that might happen and the implications of doing so. The result of those discussions would be reported to the appropriate committee(s) before any further decisions on the transfer was taken, including the Council in relation to asset transfers.*
- 4.2 OCHDA has held a series of meetings with Council members and officers. Council officers continue to liaise closely with both OBMG and OCHDA; the Council will be supportive of OCHDA wherever possible.
- 4.3 OCHDA is proposing a transfer of the Council's existing powers and responsibilities in Oban Bay, including those around the North Pier, to the new Harbour Authority. To date there has been no formal submission from OCHDA re transfer of Council assets. Fundraising by OCHDA continues.
- 4.4 OCHDA has advised that they are planning to release a draft Harbour Empowerment Order (HEO) for consultation in the summer of 2020.
- 4.5 OCHDA held a public meeting on 4 February 2020 to discuss the SHA for Oban Bay. The meeting was held in 2 parts. The first part was a technical update from NLB on navigational marks and general safety improvements that NLB have carried out in the bay following consultation with Oban Bay Management Group (OBMG) and stakeholders. The second half of the meeting was a general update from OCHDA which touched on the recent report to the Harbour Board and P&R. The next steps for the Council is to work with Oban Bay Management Group (OBMG) and OCHDA regarding a single harbour authority in Oban and progress towards and Memorandum of Understanding. The MoU would set out a willingness on the part of both organisations to enter into further discussions regarding the establishment of a Trust Port, agree to explore the commercial terms on which that might happen and the implications of doing so.

5.0 CONCLUSION

- 5.1 Liaison between Council Officers, OBMG and OCHDA continues regarding a single harbour authority in Oban and progress towards and Memorandum of Understanding.

6.0 IMPLICATIONS

- 6.1 Policy - None
- 6.2 Financial – The financial impacts cannot be assessed until the preferred

option has been identified and protected provisions agreed upon.

- 6.3 Legal – Any agreement with OCHDA must ensure that the Council’s areas of responsibility are protected.
- 6.4 HR – None
- 6.5 Fairer Scotland Duty
 - 6.5.1 Equalities / Protected Characteristics None directly arising from this report.
 - 6.5.2 Socio-economic Duty None directly arising from this report.
 - 6.5.3 Islands – Vessels operating from Oban Bay serve many of our island communities. It is essential that vessels navigating Oban Bay waters do so as safely as practicably possible. See also, risk below.
- 6.6 Risk – Advice from the OBMG is that ‘to do nothing’, given concerns over safety at Oban Bay, is not an option worthy of consideration.
- 6.7 Customer Service – None.

Interim Executive Director with responsibility for Roads and Infrastructure:

Kirsty Flanagan

Policy Lead: Cllr Robin Currie

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For further information contact:

Stewart Clark, Marine Operations Manager Tel: 01546 604893

Jim Smith: Head of Roads & Infrastructure Services Tel: 01546 604324