

## OCHDA/OBSG REPORT TO OBMG MEETING ON 11 JANUARY 2022

1. It is OCHDA's opinion that the Trust Port is not only the safest option for the management of Oban Bay and its Approaches but is also the most advanced in preparation, as evidenced by papers presented to the OBMG. OCHDA does not believe that the Harbour Board (HB) was provided with sufficient accurate information regarding the various options to allow them to make a competent decision. The revised recommendation, to support the development of a Municipal Port as the A&BC preferred option, was made without presentation of a detailed proposal; eg: timelines, governance, harbour limits (described as "unmanaged section of Oban Bay"), business and management plans and, significantly, the cost or economic implications to both tax payers and all stakeholders. Consideration of the proposal by stakeholders, including Councillors and other harbour users, was therefore not possible nor encouraged by the HB Chair. Neither the Options Appraisal nor the briefing paper which were presented to the HB was based on a 'like for like' comparison as previously advised to the OBMG (OCHDA's Critique dated 30 November 2021 also refers).

2. OCHDA will continue to prepare for a Trust Port as the option which is safest and in the best interest of current and future harbour users and of the community. In the event that the OBMG does not support the Municipal Port option, or if A&BC are unable to complete the submission of the Harbour Order successfully within an acceptable timescale, the Trust Port option will therefore be ready to continue implementation.

3. The OCHDA Annual General Meeting scheduled for 14 December 2021 had to be postponed because of Covid restrictions and has been rescheduled to 25 January 2022. The views of OCHDA Members were sought virtually and two specific questions asked:

a. Q1: OCHDA accepts the Harbour Board decision to pursue a Municipal Port for Oban as the next step and should disband, returning unspent funds to donors on a pro-rata basis?

Result: 92% Disagree.

b. Q2: OCHDA believes that the information provided to the Argyll and Bute Harbour Board on 2/12/21 was insufficient to allow them to make a competent decision. Whilst the misrepresentation of the Trust Port option is of particular concern, the Council has also failed to undertake a competent Options Appraisal on a 'like for like' basis as advised to the Oban Bay Management Group in August 2021, and has failed to consider the views and interests of stakeholders. OCHDA remains fully committed to developing a Trust Port for Oban and therefore requests that the OBMG asks A&BC to either:

(1) Undertake a competent appraisal in which all options are considered on a 'like for like' basis, and which complies with Scottish Government guidelines, or

(2) Continue to work with OCHDA to bring about a Trust Port for Oban?

Result: 96% Agree.

The above demonstrates very strong support for the principle of OCHDA continuing and arguing, at the OBMG, that the decision-making process followed by the Council in this case is unsafe. Four written submissions were received, in addition to the poll responses. All of these expressed support for the development of a Trust Port as the best option for Oban and additionally referred to engagement with A&BC during the development of a Municipal Port, and including a role for OCHDA in any future governance structure for the Municipal Port, as commonly done elsewhere. This is consistent with the OBMG's acknowledgement that the Trust Port offers the most desirable solution for the management of Oban Bay.

**4. OBMG Members are requested to consider the two OCHDA proposals in the previous Paragraph 3b (see (1) and (2)) and express their preferred way ahead.**

5. With reference to the A&BC Municipal Port proposal, we recommend that the following information is provided by Council Officers to OBMG Members by March 2022:

- a. Project timelines going forward from January 2022 to the initial establishment of a Municipal Port and then transition to a Trust Port. Included should be the intended date for submission of a draft Harbour Order to Transport Scotland, and proposed dates for the initial establishment of a Municipal Port and then transition to a Trust Port. It is recognised that the public consultation process could cause delay. Also, the date A&BC expects its North Pier operations to be Port Maritime Safety Code compliant.
- b. Governance, Board Structure and Staffing, including proposals and timelines for liaison and consultation with stakeholders as required for all Statutory Harbour Authorities, possibly through an Oban Harbour Management Committee. OCHDA believes the inclusion of community and stakeholder representation in this consultation forum/user group is essential. Inclusion of an OCHDA representative would facilitate sharing of recent data analysis by OCHDA, and in due course, enable smooth transition to a Trust Port. Clarification is also required on the respective roles of and reporting chains for the Designated Person and Duty Holder for the Oban Harbour Municipal Port.
- c. Harbour limits with clarification of existing and planned jurisdictions.
- d. Fully costed business and operational management plans, demonstrating that the Municipal Port proposal is affordable within the existing budget (noting the reference to plans to develop the North Pier), or not.
- e. Strategy and business development plans.

- f. Harbour development plan with timelines, including schedule with estimated costs for routine inspections, reactive and planned maintenance, and new works.
  - g. Detailed financial forecasts demonstrating long term viability/sustainability.
6. We look forward to discussing this report and the way forward when we meet.