

**Note of meeting between Argyll and Bute Council (ABC) and Oban Community Harbour
Development Association (OCHDA) V3**

Tuesday 11 May 2021 at 10.30 via Skype

In attendance:

Kirsty Flanagan, ABC (KF)
 Jim Smith, ABC (JS)
 Tony Bennett, OBSG (TB)
 Ross Wilson, OCHDA (RW)
 Lissa Brackley, ABC (minute taker)

	KF welcomed everyone to the meeting.	
1.0	An update was provided on the actions from the last meeting (16 April 2021) as follows:	
	Action from last meeting	Update on action
	OCHDA will produce a draft MOU – in one week.	Received from OCHDA
	The Council will provide further clarity on the financial figures at North Pier – in two weeks.	Scheduled to have finalised this week, year-end has been the recent priority for ABC Finance Team.
	Another meeting will be arranged between KF, JS, TB and RW in a month’s time with a schedule for future monthly meetings.	Schedule for future meetings in hand with proposed dates to be circulated.
	KF will engage with the Chair of the Harbour Board re arranging meeting as per the Harbour Board meeting in March.	Harbour Board set to meet early June 2021. Officers will require information in good time to enable due diligence to be carried out ahead of this date; “good time” to be clarified.
	TB to provide any document that suggests the Council have responsibility for the outer bay.	<p>A&BC reference included in Afternote to meeting held on 16 April 2021.</p> <p>TB forwarded on advice received from the Council’s Legal team in 2017 which confirms that the Council has responsibility for the outer bay.</p> <p>JS advised that the Council’s lawyers are working on a wider piece of work to look at all Argyll and Bute Harbour Orders, this along with the historic advice received from Susan Mair and Donnie Kelly will enable us to understand the actual current position.</p> <p>TB will provide KF & JS with a copy of the</p>

		'Jurisdictions' report.
	JS to set out a note of what information is required from OCHDA to allow him to carry out due diligence and take a report to Committee.	JS issued a note of information required with the note of the last meeting on 21 April. This has also been detailed in previous communications to OCHDA. Information awaited from A&BC to allow OCHDA to proceed.
	TB will send JS an update that he prepared for the OLI area committee which set out what has been done in the last 12-15 months.	Received from OCHDA
	Afternote. OCHDA will send KF its draft OCHDA newsletter and press release for any appropriate A&BC input.	Actioned
1.1	RW noted his disappointment that a meeting with the Harbour Board will not take place until early June, this had been promised for late April/mid May. KF and JS explained that this was the earliest possible date for a meeting to be held and that officers are not yet in a position to provide a recommendation to Elected Members. TB had understood that the purpose of the meeting was to discuss and agree the detail. JS advised that an officer's role is to make recommendations to Elected Members who then make policy decisions. Transport Scotland will also require the information which we have been requesting for some time.	
1.2	TB recalled councillors instructing officers to draw up a Memorandum of Understanding (MoU) in late 2019; as no information had been forthcoming almost 18 months down the line this was the cause of frustration. It was TB's view that the purpose of the meeting was to thrash out detail not to make recommendations and this could have taken place by now. JS commented that the delay in progressing the MoU was largely due to the global pandemic!	
1.3	JS explained that as local government, we are duty bound to follow governance processes. The role of JS and his team is to ensure there is a competent proposal to take to Elected Members. This must demonstrate that the application can meet the requirements of the Harbour Act, what the cost effective improvement would be, the cost of running the harbour and how this would be met, cost implications for the council and a plan going forward. This was detailed in JS's email dated 21 April and is still outstanding.	
1.4	TB explained that the reason it is still outstanding is because OCHDA need basic information from the Council requested in February. JS advised that ABC wouldn't be in a position to provide personal details and also asked that OCHDA do not make direct contact with staff as this is inappropriate and causing distress. TB said OCHDA is still awaiting salary information. It was confirmed that the information had been provided to OCHDA and that OCHDA are now seeking any updates which may have occurred. KF advised that salary information will not be much out of date, however, updated information will be provided.	
1.5	TB said that as far as TUPE is concerned OCHDA has respected JS's ask and not contacted staff, however, TUPE was discussed at the meeting back in 2019. JS accepted this and welcomed these discussions at a management level but going directly to staff is not	

	<p>appropriate and causes unnecessary concern and worry. JS reiterated that the Council are keen to support OCHDA however we need to work together to get a competent proposal.</p>
1.6	<p>KF asked to clarify what information OCHDA still requires along with the staffing costs. TB stated OCHDA requires the actual costs of North Pier and, as requested, will keep this strictly confidential. The biggest item is clarification on what the expenditure categories are. JS provided this in 2019 and OCHDA carried out a preliminary analysis but was told they had misinterpreted the information. Therefore OCHDA need a definitive explanation of what those expenditure categories are. JS previously provided OCHDA with a breakdown which would not include costs from out with Oban. JS advised that any misunderstanding may have been around the figures not being a full picture of potential income. Colleagues are working on providing this information. KF said she would provide a more detailed analysis of what makes up the expenditure lines.</p>
1.7	<p>RW stated it was the understood that Councillor Lynch had asked to hold a meeting to establish what was required to progress this. JS checked the minutes of the last Harbour Board (held on 4 March 2021) and shared this with the group via the messaging facility (not visible to all attendees as an audio meeting):</p> <p><i>The Argyll and Bute Harbour Board;</i></p> <ol style="list-style-type: none"> <i>1. considered the update concerning the proposed transfer of the Council's existing powers and responsibilities in Oban Bay to a new Trust Port; and</i> <i>2. agreed that a virtual meeting would be organised with all stakeholders concerning the work being progressed by the Oban Community Harbour Development Association (OCHDA) towards the development on a Trust Port following consultation between the Chair and the Executive Director with responsibility for Roads and Infrastructure.</i>
1.8	<p>TB asked who we anticipated the stakeholders to be. JS confirmed this would be Transport Scotland, CMAL, Northern Lighthouse Board etc. and Oban Bay users. RW said that it would not be helpful to include wider stakeholders at this point until we understand and overcome the obstacles. RW said he questioned what the minutes said, as this is what was actually said at the meeting. RW asked who took the minutes. KF assured RW that the minute will be an accurate record of the decision at the meeting and this is what we will be working to. RW said that public attendees' records show that it was agreed that a meeting would be held with Officers, Councillors and OCHDA. JS explained that there may have been debate and discussion however the official minute was the final position and accurately reflected the decision of the meeting.</p> <p>Afternote: An OCHDA member who attended the HB Meeting on 4 March 2021 as a member of the public recorded: "The Chair, at the suggestion of Councillor Lynch, agreed to hold a meeting of A&BC Officers, OCHDA representatives, OLI Members and Board Members, to establish what needed to be done to overcome any obstacles in the collaboration between A&BC and OCHDA. The suggestion was taken up by the Chair and reiterated by Councillor Robertson, who the Chair had invited to attend the Board, at the end". Councillor Robertson has confirmed this statement to be accurate.</p>
1.9	<p>TB said that he was not in attendance at the March 2021 Harbour Board meeting but has been in touch with two OLI Members and their understanding was to hold a meeting and thrash things out, Councillor Lynch and Councillor Robertson. Councillor Robertson was aghast that we are bringing in the wider interests. These have already been thrashed out at the OBMG. At the last OBMG Cameron MacPhail from Calmac suggested it would be sensible to put the next OBMG meeting back to August to allow OCHDA and the Council to</p>

	work things through. TB's view is that bringing in the other organisations is not going to help and this would be a regressive step.
1.10	KF intimated she was failing to understand the purpose of having a meeting with members as we are thrashing out the detail right now at these meetings. TB agreed and that the June meeting is therefore largely redundant and it would be premature to bring in wider stakeholders. JS suggested we need to focus on getting to a position to where we have all the information required to do due diligence and agree to meet at a later date.
1.11	TB advised he recently wrote to the MCA advising of progress, as they are responsible for non-controlled waters, and they are happy that we are meeting with the Council and progressing things. No rush to bring MCA or TS round the table.
1.12	TB suggested that the meeting in early June 2021 could be held to sign off the MoU as this is closely aligned to what Councillors want to happen. JS agreed however there was still some work to be done on the MOU and meeting governance requires to have papers published in advance. TB stated that the Council had received the MoU 2 weeks ago therefore would appreciate it if this was prioritised. KF said she would suggest this to the Chair.
1.13	<p>Outstanding items required by OCHDA:</p> <ul style="list-style-type: none"> • Staffing costs • financial information • meeting with stakeholders(as defined in Para 1.9 Afternote) in the future <p>list of contents in the MOU in schedule 1 - KF advised that it would be helpful to outline key dates in Schedule 1.</p>
2.0	Memorandum of Understanding
2.1	Detailed comments on the MoU would be provided in writing by ABC to OCHDA by the end of this week.
2.2	KF said that she was unsure of the wording in 5.1 and felt this needed to be more robust. KF will check this with colleagues in Legal and suggest alternative wording.
2.3	KF suggested 6.1 regarding the monthly meetings may include Scott Reid (newly appointed Marine Operations Manager) and Legal colleagues as required. KF stated that these are operational meetings and therefore it would not be appropriate for councillors to be involved in these meetings. TB explained that Councillor Robertson had specifically asked to be included in these meetings and asked if we could copy them into the minutes of these meetings. JS agreed to making minutes available and explained that officers provide briefings to members on a regular basis on all sorts of information – this allows them to make impartial decisions when the time comes.
2.4	RW asked if officers would brief Councillors prior to any media interview. KF confirmed that this is standard procedure. Not appropriate to copy members in to all communication.
2.5	KF asked that OCHDA provide key dates for schedule 1. TB asked that the council provide their priorities of items required from OCHDA. These can then be compared and reviewed. JS said that this is ultimately the points from the emails (of 26 Jan, 12 March, 25 March and 21 April 2012) however, we can revise and update this. TB asked if this can be broken down into specific tasks.

2.6	RW asked who would sign the MoU on behalf of ABC. KF said she would check this with Legal.																						
2.7	TB said that the ABC website still states Pippa Milne as duty holder which needs to be updated.																						
3.0	Review of Actions																						
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3.1	<p>JS asked who the members of the OCHDA Management Committee * were, TB confirmed as follows [redacted for website]:</p> <div style="background-color: black; width: 100%; height: 60px; margin: 10px 0;"></div> <p>*Afternote: The above are the OCHDA Management Committee elected by all OCHDA Members at a General Meeting. Members of the proposed Trust Port Board have yet to be appointed.</p>																						
	KF closed the meeting.																						

Distribution:

TB
KF
JS
RW

Copy:

Chair A&B Harbour Board
Chair OLI
Secretary OCHDA