

Argyll and Bute Council Harbour User Consultative Forums

Terms of Reference: Oban Harbour

Our vision is to work collaboratively for a safe, sustainable, inclusive and accessible harbour for communities, businesses and visitors whilst promoting equality, tackling climate change and supporting a thriving economy.

1. Document Purpose

- 1.1 The purpose of this document is to set out the arrangements for the consultation and stakeholder engagement framework which Argyll and Bute Council (ABC) will put in place in regard to the operational arrangements for Oban Municipal Harbour Authority. These proposals will effectively replace the Oban Bay Management Group and the various Port User and Safety groups which are in place or were in place previously.
- 1.2 These Terms of Reference will be shared with the Oban Bay Management Group (OBMG) for their consideration. Feedback from the OBMG will form part of a report to the Harbour Board who will be asked to consider and agree the final terms of Reference for the Municipal Harbour Board.

2. Oban Bay – Strategic Purpose

- 2.1 Oban Bay is a strategic marine transport hub used for commercial shipping, ferry traffic to numerous islands, tourism and recreational use. The safe and effective use of Oban Bay will be managed by the council through its Harbour Board, in line with the Council's other ports and harbours. The Council welcomes stakeholder involvement and the proposals for this involvement is set out below.

3. The Guide to Good Practice on Port Marine Operations (Port Marine Guide to Good Practice DfT Feb 2018)

- 3.1 The Guide to Good Practice on Port Marine Operations states: *'Safety in the port marine environment is not just a matter for the organisation, its officers, contractors or its authorised pilots. Users are also required to minimise risk to themselves and others, in doing so they must be able to put forward to the organisation their views on the development of appropriate safety policies and procedures.'*
- 3.2 *It follows therefore that organisations need to consult, as appropriate with two main groups: marine users, both commercial and leisure, and local interests and communities.*
- 3.3 *Port marine operations are technical matters – well understood by experienced harbour masters or port marine practitioners, but perhaps much less so by the wider public, including many recreational users. It is important that the appropriate involvement of wider interests safeguards the organisations position – responsibility for managing safety in a harbour rests with the organisation.'*

4. Stakeholder Engagement

- 4.1 Argyll and Bute Council (ABC) is currently the Harbour Authority for the area around North Pier, Oban, and will become the Municipal Harbour Authority for the wider Oban Bay, subject to Scottish Ministers approving the Harbour Revision Order (HRO) which has been submitted to Transport Scotland. In addition to ABC three other organisations: Caledonian Marine Assets Ltd (CMAL), CalMac Ferries Ltd (CFL) and Northern Lighthouse Board (NLB) have financial and legal responsibility for the management of parts of Oban Bay
- 4.2 The day to day management of the Harbour will require close working co-operation and communication between these organisations and this shall be formalised for transparency in a management co-ordination forum. It is also important that all stakeholders, interested bodies, communities and users of Oban Bay have participation in how the harbour is used and managed.
- 4.3 In order to ensure good and effective communication Argyll and Bute Council therefore proposes to create two forums, the minutes of these forums being reported to the Council's Harbour Board who, along with the Duty Holder, have a strategic overview of the Council's marine assets and operations. The formal governance of the Council's marine assets is covered in the Council's Constitution.
- 4.4 The Terms of Reference and invitees of the two forums will be reviewed on an annual basis. The two consultative forums being:

1. **Oban Harbour User Consultative Forum** – this forum to be open to all stakeholders including: leisure, fishing fleet, commercial, cruise ship agents/companies, Island communities, community councils, and the organisations listed in 2 below.

The forum will be chaired by the Council's Harbour Master with secretarial support from the Council's Roads and Infrastructure team. Minutes will be produced in accordance with the Council's standard practice for minutes and published on the Council web site and also reported to the Council's Harbour Board.

The meetings will be held virtually by MS Teams to facilitate attendance by all interested parties, including those located remotely from Oban.

2. **Oban Harbour Management Co-ordination Forum** – This forum to be open to the organisations with financial and legal responsibility for the management of parts of Oban Bay for operating parts of Oban Bay, currently these being: Argyll and Bute Council, Northern Lighthouse Board, Caledonian Marine Assets Ltd (CMAL) and CalMac Ferries Ltd (CFL).

The forum will be chaired by a senior officer of the Council with secretarial support from the Council's Roads and Infrastructure team. Minutes will be produced in accordance with the Council's standard practice for minutes and published on the Council web site and also reported to the Council's Harbour Board.

The meetings will be held virtually by MS Teams or face to face, to be agreed by the chair.

The detail of the two forums is set out below:

Forum 1 - Oban Harbour User Consultative Forum

The Oban Harbour User Consultative Forum will be chaired by the Argyll and Bute Council Oban Harbour Master. The forum will meet a minimum of twice a year but as frequently as is deemed necessary to achievement of objectives or if specific issues arise. The forum through the chair will determine the meeting frequency.

Argyll and Bute Council reserve the right to not involve the forum in the instances where emergency action is required or there are commercial or other confidences involved. Matters to be raised by stakeholders to be notified to the secretarial 5 working days prior to the meeting.

The forum will co-ordinate user and stakeholder input with objectives being to provide a form for:

- Discussion on Navigational Safety. Review Incidents, accidents, 'Aids to Navigation' and improvement ideas. Review and provide input for Risk Assessments.
- Discussion on Health, Safety and Environment. Raise and discuss harbour relevant issues.
- To consult and communicate with constituted Community Council groups about the needs of the community and the options available to the public bodies for delivering infrastructure and services which will meet community needs, are affordable, deliverable and be fit for purpose.
- To provide and co-ordinate users and community feedback to Argyll and Bute Council's Harbour Board as the Statutory Authority Organisation.
- The review of the terms for harbour use and the communication and consultation for planned works.

The forum will meet a minimum of twice a year and in addition to that will be convened more frequently as is deemed necessary by the Chair to ensure progress and achievement of objectives

Proposed fixed agenda items:

1. **Attendees:** Welcome and introductions.
2. **Previous Minutes:** Accept and approve.
3. **Questions – opportunity to raise any** issues (issues to be notified at least 5 days prior to the meeting to enable comprehensive answers to be supplied).
4. **Navigational Safety:** Incidents, accidents, 'Aids to Navigation' and improvement ideas. Notices to Mariners, Review selected Risk Assessments.
5. **Health, Safety and Environment:** Harbour relevant issues raise and discuss.
6. **Harbour Development:** Terms of Harbour use and any plans for works.
7. **Engagement and Communication:** Review the means and methods of information sharing and feedback.
8. **Planned events within or near the Harbour limits**
9. **Moorings and infrastructure matters**
10. **Next meeting:** Set or provisional date of next forum meeting.

Date Last Updated: March 2023

Date of Next Review: March 2024

Forum 2 - Oban Harbour Management Co-ordination Forum

The Oban Harbour Management Co-ordination Forum is to open to the organisations with a financial and management responsibility for operating parts of Oban Bay, currently these being: Argyll and Bute Council, Northern Lighthouse Board, Caledonian Marine Assets Ltd (CMAL), CalMac Ferries Ltd (CFL).

The Oban Harbour User Consultative Forum will be chaired by a senior officer of the Council. The forum will meet a minimum of twice a year but as frequently as is deemed necessary to achievement of objectives or if specific issues arise. The forum through the chair will determine the meeting frequency. Argyll and Bute Council reserve the right to not involve the forum in the instances where emergency action is required or there are commercial or other confidences involved. Matters to be raised by stakeholders to be notified to the secretarial 5 working days prior to the meeting.

The objectives of this forum being to provide a forum:

- For discussion on Navigational Safety. Review Incidents, accidents, 'Aids to Navigation' and improvement ideas. Review and provide input for Risk Assessments.
- For discussion on Health, Safety and Environment. Raise and discuss harbour relevant issues.
- To consult and communicate across the organisations who have financial and legal responsibility for the management of parts of Oban Bay.
- To provide and co-ordinate users and community feedback to Argyll and Bute Council's Harbour Board as the Statutory Authority Organisation.
- For the review of the terms for harbour use and the communication and consultation for planned works.
- To co-ordinate works, promote collaboration and joint working.
- For discussion of any other relevant issues pertaining to the operations within the harbour of the stakeholders

The forum will meet a minimum of twice per year and in addition to that will be convened more frequently as is deemed necessary by the Chair to ensure progress and achievement of objectives

Proposed fixed agenda items:

1. **Attendees:** Welcome and introductions.
2. **Previous Minutes:** Accept and approve.
3. **Updates from organisations**
4. **Navigational Safety:** Incidents, accidents, 'Aids to Navigation' and improvement ideas. Review selected Risk Assessments., Notices to Mariners
5. **Health, Safety and Environment:** Harbour relevant issues raise and discuss.
6. **Harbour Development:** Terms of Harbour use and any plans for works.
7. **Engagement and Communication:** Review the means and methods of information sharing and feedback.
8. **Joint working and collaboration opportunities**

9. **Next meeting:** Set or provisional date of next forum meeting.

Date Last Updated: March 2023
Date of Next Review: March 2024

Oban Bay Management Group

Argyll & Bute Council's proposed Municipal Harbour Authority Consultative Forums

Response from OCHDA & Oban Bay Stakeholders' Group (OBSG)



Introduction

Discrete and distinct functions, covering consultation and co-ordination, require to be undertaken in support of the establishment and operation of the new Harbour Authority.

The new Oban Harbour Authority area will require effective inter-agency co-ordination and collaboration between the Harbour Authority and the other public agencies with responsibilities in the Bay. These agencies currently include, but are not limited to, agencies with specific responsibilities for water-based activities, notably CMAL, Calmac Ferries, the Northern Lighthouse Board and Crown Estate Scotland. At present this co-ordination is undertaken by the voluntarily-established Oban Bay Management Group with Argyll & Bute Council (A&BC) as the partner responsible for specific areas of the Harbour (N & S Piers, Port Beag and the Oban Times slip).

The new Oban Harbour Authority will require effective consultation mechanisms to be developed regarding the day-to-day operation, maintenance and development of the Harbour in order to safeguard the Harbour for the communities that rely on it, now and for future generations. This consultation will require to satisfy PMSC requirements for consultation with all Harbour Users but must recognise that the responsibility for managing the Harbour rests with the Harbour Authority (in this case A&BC) alone.

As a Local Authority A&BC must also engage with local community(ies) regarding the operation and future development of the Harbour. This duty, under Best Value and Community Empowerment legislation and linked with Island Communities Impact Assessment, might best be accomplished by the Council and the relevant stakeholders, including Harbour Users, producing the development plan, linked to the Council's wider development planning for Oban. Responsibility for the future development of the Harbour area rests with A&BC on behalf of the community.

The Council's recently-developed proposals for the future co-ordination and consultation regarding the operation of the new Harbour Authority attempt to merge these separate functions into a combined co-ordination and consultation process reporting to the Harbour Authority via the Harbour Board.

The Council's proposal

The current proposal from A&BC creates two bodies with substantially overlapping responsibilities. The bodies appear to be hierarchical, for example the proposed Management Co-ordination Forum will receive requests from "stakeholders" for matters to

be raised but both will co-ordinate users' and community feedback to the Harbour Board. However the proposal lacks detail over accountability and lines of reporting between the two groups and the relationship between each and the Harbour Board. The two bodies have a number of users in common and the users' forum includes a broad mix of harbour users and other stakeholders.

The proposed Management Co-ordination Forum, which is to reflect the needs and interests of the bodies which have legal and financial responsibility for management in the Bay, does not include Crown Estate Scotland who will remain responsible for the entire sea bed in the Harbour Authority area. This seems to be an oversight of some significance.

The overlap in responsibility and lack of clear accountability between the groups is particularly problematic in relation to consultation over navigational safety and environmental matters in the harbour area. A single users' forum with a specific focus on navigational safety and environmental matters is more likely to enhance decision-making and engender confidence. At the same time the proposal to include land-based stakeholders in the users' forum may reduce the focus on the core issues of navigational safety and environmental protection.

The role of non-user stakeholders in advising regarding the needs of the communities and opportunities for harbour improvement match the Local Authority's existing duties under Best Value. However, this role is different to the role of advising over operational matters relating to navigational safety and environmental protection and should be treated as a separate strategic task.

OCHDA & OBSG's response to the Council's proposal

The proposal, as put forward, cannot be supported for the reasons outlined above.

In order to move the process forward we suggest that an exercise of co-creation for both the future co-ordination process and the future consultation process is undertaken. This exercise, perhaps a workshop session involving all relevant bodies and stakeholders, should start by clarifying, separately, what the consultation and co-ordination requirements of the new Harbour Authority cover.

The function of co-ordination between public agencies is a matter for them to address and then report on the arrangements to the Harbour Authority.

The function of consultation, which the Harbour Authority is required to establish, should be developed specifically for this purpose with clear objectives. The consultative process must also include comprehensive recording and reporting mechanisms back to the Harbour Board and should involve the appropriate organisations and individuals.

Consideration should be given to the advantages of including the agreed arrangements in the HRO.

(Phil Hamerton, OCHDA Comms Officer/acting chair - OBSG, 3/4/23)