

**Oban Community Council
&
Oban Community Harbour Development Association**

**Public meeting to discuss A&BC draft HRO for Oban
14th December 2023**

The following is a transcription of the Question & Answer session which followed the brief presentation on the draft HRO and the process for submission of representations and objections. Some of the audio was too difficult to distinguish so some phrases have been omitted but the sense has been retained as far as possible.

Questioners are not identified.

Chair (Roddy McCuish)

I can't help but emphasise enough the role that our local elected Members can play in this. I think the Area Committee should be the Harbour Board because who knows more about their own area than the eight elected Members. The eight elected Members have a huge role to play in this and I'd ask you to get to them: speak to them, ask for their help and let's see where we can go.

It is disappointing the way the consultation is, but we have to do what we have to, to feed into it for goodness sake. If the Council had had the wisdom and held a meeting such as this before they even launched the consultation, what a difference that would be. We'd all be far better up to speed and for it to the closing date to be the 10th of January is an absolute disgrace, especially over the holiday period. I don't know how you feel, but I might put it to the floor at the end of the meeting: do we ask for an extension; do we ask for a pause? Whether we can get that or not, I don't know but we can certainly ask for that.

So now I'll open it up to the floor and I'd like as many questions as possible. Just keep your questions to the point and we'll do our very best to get answers here. Anyone at all.

Question: Why are we going for a Municipal Port?

Fergus Gillanders (FG): Well if you remember my piece. I referred to the Fisher Associates report. There were a number of options, and if you recall round about 2017, there was a stitch up in place for CMAL to take over the harbour. but we managed to fight off that.

At that time, the Council said they had no interest, as was alluded to earlier, in taking over the harbour, but then it became clear to them that the immediate option after that was a Trust Port they didn't want. So having said they didn't want to take over responsibility, if CMAL weren't going to have it, then the Municipal Port was the next option and the only option as far as the Council was concerned. It's most obvious actually if you look at the documentation, the reports to the Harbour Board and everything else, you will not find a single recommendation or a single endorsement of any Trust Port proposal.

So that's the reason why we're going for Municipal Port.

Chair: Any other questions?

Question: Can I ask how many elected Members are here this evening?

Chair: I can see one and the one only. Cllr Vennard, I don't think there's any others in the room.

Questioner: Thank you for that.

Chair: N, do you have a question?

Question: It refers to the Harbour Board, who is the Harbour Board?

Chair: The harbour board it made-up of eight Members from different areas. I believe Councillor Vennard and Councillor Jim Lynch are the Members for this area along with Councillor Hampsey. We also have the Chair of the Harbour Board, Councillor Kane. So we've got four members from the Harbour Board we should have a strong board representing this area.

Question: Can I ask you to remind me how many were present at yesterday's Area Committee?

Chair: I didn't attend the Area Committee, but I believe some of the gentleman here will.

Ross Wilson (RW): There were two members of the Harbour Board, who are also member of the OLI Area Committee, present at the OLI Area Committee meeting.

FG: If I may go on on this issue, the Harbour Board, notwithstanding with great respect to Council Andrew Vennard who is here, there's a responsibility of the Harbour Board that's vested in a collective body or an individual, it's called the Duty Holder. You can read about it, in the Port Marine Safety Code, the Duty Holder if you like, is senior to the Harbour Board in terms of management of the Harbour Authority because they have the resourcing and the ultimate responsibility for safety of the harbour. This person, or this collective body, is called the Duty Holder, I hope that's clear.

The Port Marine Safety Code also says, and this is standard practice amongst most ports, is to allow a direct link between the users and the Board; you have elected Members in the Municipal Ports as the Harbour Board acting as the Duty Holder.

Now in all the local authorities around Scotland that have statutory harbour responsibilities in other words all the ones with ports and harbours around the coast of Scotland, there are only two local authorities that do not have that post of Duty Holder vested in a body of elected Members, either an Area Committee or a Harbour Subcommittee or a Harbour Board. They are different terms for the same body, really. There's only two that have the Duty Holder vested in a Council Officer. One is Highland and the other is our Argyll & Bute. So the A&B Harbour Board has no direct responsibility for resourcing, direct management or safety. It merely is a rubber stamping authority. If I can call it that without being too, you know, disrespectful. But that's what it is. So we have a problem in Argyll & Bute that consultation to the Harbour Board actually goes via an unelected Council officer before it pops back into the Harbour Board. That's the situation we have in Argyll & Bute Council and indeed Highland Council as well. And I'll just make a final comment for me and the guys here have heard me say this before. Isn't it funny that the two councils that don't have their Duty Holder in an elected Member's body are the two Councils that have CMAL ferries running out of their ports?

Question : After the whole thing is up and running, is there a need for consultation?

RW: There should be a recognised consultation mechanism with users and other stakeholders. The Harbour Board endorsed something the officers produced in the end of August this year. That proposal was not put in front of the Oban Bay Management Group for consideration or for a formal comment to the Harbour Board. It was rushed through and we did not have a chance to see it, although previously there was an earlier iteration where the Oban Bay Management Group made it quite clear that we did not support the Council Officers' proposals. The Councillors were aware of this because OCHDA briefed them. So this thing was pushed through at breakneck speed. The Oban Bay Management Group finally was able to scrutinise the Council Officers proposal at our October meeting. The Oban Bay Management Group failed to reach consensus and CMAL proposed minor modifications but these haven't been put in. Caledonian Ferries Limited had new representatives there who didn't appear to understand it and they supported it. The three community representative groups, namely the Oban Bay Stakeholders group, of which John MacAlister here is the chair, you all know John, I'm sure, Oban Community Harbour Development Association, of which I have the privilege to be chair and Oban Community Council, all rejected it as not fit for purpose. The chair of the Oban Bay Management Group is the Operations Director of the Northern Lighthouse Board, Captain Phil Day, and he doesn't have a casting vote. So the Harbour Board has gone ahead and rubber stamped a proposal from Council Officers that is not supported unanimously or even 50% by its advisory body, which is the Oban Bay Management Group.

That is where we are on that but there is a requirement as Fergus has alluded to, to have proper consultation arrangements set up with users with regard to day-to-day operations, if you like, in the Bay, safety and all the rest of it and with Stakeholders, which is the rest of us interested in footfall and the town's future development, money and all that sort of stuff. That structure is not fit for purpose as proposed and unfortunately it was endorsed by our elected representatives who sit on the Harbour Board. However, the paperwork does say it is to be reviewed in the spring of 2024, so we, the community groups jointly, are in the process of coming up with an alternative proposal. We had (made) an alternative proposal before but Council officers did not accept it. They said we will not support your proposal, they would not explain why they would not support our proposal, but critically, it mirrored an example of another Council, where it is working and critically, it's got two elected representatives Councillors on it.

Anyway, we are going to come up with something different that is fit for purpose, but as long as the Harbour Board, our elected representatives, just only feel able to rubber stamp stuff that Council officers put in front of them, I don't hold a lot of hope of getting that changed. So what we are doing is putting to Transport Scotland an additional article in the Harbour Revision Order specifically covering consultative arrangements which specifically says shall do this, shall do that, shall the other, without going into the detail. , That is what we will do for the Harbour Revision Order and in parallel with that we will try and get the Harbour Board members to reject what the Council officers have previously put in front of them when it's reviewed in spring 2024. So really it's up to you guys. Please, ladies and gentlemen, to lobby your Councillors and say, come on, get a grip, this is rubbish and, you know, tell the Council officers to do it properly. That's all we can do. Sorry. I don't know who asked the question, but does that answer the question?

Chair: Thanks very much for that. It's worth noting as well, the Chair of the Harbour Board is also the chair of the Area Committee so we should be able to get some good representation there. Way back in 2018 when I was in a different position the Council wanted nothing to do with Oban Bay. They didn't want anything to do with it and as much as to try to get things in and do things, just they wouldn't munch on it and all of a sudden for this change of heart to want to do this, I really can't understand it. And it's again, I can't emphasise enough. It's up to the elected members to make this happen or not happen, and if it is going to happen it has to happen properly.

Question: For the Council to be planning to take on these duties and responsibilities, they must have done some financial planning in terms of what's been got and where the income is going to come from. Is that information available or will it be available to me?

Chair: It should be available but again it's like everything goes into the pot and it gets divided out with the corporate responsibility for harbours and Coll, Tiree everywhere. Now, if you were to look at the income and Oban Harbour, which is recognised as one of the busiest harbours, it's a vast income in there, so they've also had a look at that. And I thought, why would we give away an asset? Give away a liability but don't give away an asset. But these figures, I don't know if these gentlemen are trying to get these figures, or not?

Frank Roberts (FR): I only became seriously involved in this, just about exactly one year ago when I became convener of Oban Community Council. And I have to say, I was absolutely staggered when at the Oban Bay Management Group. I asked was there a business plan? And I got no answers. And then later when I kept asking I was told there would be one, it is being developed, but as far as I'm aware there is no business plan developed even for the first year or two years of operation. Now I cannot contemplate starting and running a business without planning it. But it does seem to me - I have no information to any other effect - that that is the situation we're in.

I think we should be looking to see a five year business plan which is rolled forward every year. So it's continuously rolling forward and which provides for the future development of the harbour so that then the appropriate people can go and try to find the funds with which to make that capital development.

And I'm afraid this has been my hobby-horse for us for the last 12 months. So no, the answer is I don't think there is one, unless anybody else can enlighten us.

RW: The Oban Bay Management group were promised details of the fees and charges by March this year [2023] in order to inform a business case. At every meeting the Council officers have obfuscated: it will be jam tomorrow; we'll produce it at the next meeting. And where we are today is there is no business case and there is no business plan. I specifically asked this at the OLI Area Committee meeting a couple of days ago and we were advised that there is no business case and what I said at that meeting is it's really unreasonable for the public to make a decision to support this or not, without appreciating the financial implications, because it's our taxes.

If you look at other areas, other Councils, they produce income and expenditure accounts for each of their harbours. So our elected representatives, the Councillors, can look at it and they can see that, for example, Bucky has made a loss; Banff has made a profit. I'm talking about Aberdeenshire and their Councillors can then make a decision to say, OK, we'll subsidise that one and we'll take money from this one. Our Council, Argyll & Bute Council, does not do it. So in other words, our elected representatives do not have any visibility, they can't control anything. And yet this Council complain that

it's going to have a substantial deficit, not enough money. It cannot see where its money's coming back and forth from. So to go back, we were promised a business case at the Oban Bay Management Group in March this year. We still have not seen it.

FG: If I can just add to what Ross has said, one of the things that's interesting about Aberdeenshire and other Scottish Councils is that - I'm going back to the point I made about the duties and responsibility of a Harbour Board, a collective Harbour Board which also has the Duty Holder responsibility - they are given in that Council's constitution responsibility for certain resourcing issues, decision making to do within the bounds of what financial limits. they are allocated by the full Council. So in the case of Aberdeenshire they have a Harbours Subcommittee and that Harbour Subcommittee can make its own decisions about allocating money to Banff, Bucky, Johnshaven and all the rest. It's for minor works. Generally it's not large capital expenditure, but it's the sort of things: the new life belts at the end of a pier; the new paintwork here; the broken guard rail there that's the sort of thing that in Aberdeenshire, the local Harbour Advisory Committee and their Harbour Board - their current Board - can take decisions and make those decisions for the benefit of Bucky or Johnshaven, whatever it happens to be, I would just point out that our Harbour Board at the moment have no such delegated responsibilities at all in the Argyll & Bute Council constitution.

Phil Hamerton (PH): Just add one detail to that, we learned at the Area Committee, the day before yesterday, that the Conservancy charges - the charges that any of us might be liable for when we transit the waters of the Bay - are still being discussed with CMAL, in regard to the ferries. That's why the business plan can't be produced because they haven't agreed, it would seem, what those charges should be. I don't think anybody in the room here has been involved in any consultation over these charges, which is interesting.

Chair: It's worth the noting as well that the Piers and Harbours comes under the department of Roads and Infrastructure in the Council, which is a complete mystery to most people in this room, including me.

Question: Are there any other Harbour Authorities which have control over the local moorings and, if there are how do they operate?

Tony Bennett (TB): Pretty much every Harbour Authority has the power to manage moorings in its area but the way in which they go about it varies widely. Within the (Oban) HRO supporting documentation the Council have referred to the Eyemouth and Kirkcudbright HROs in justifying Article 16 related to moorings. Neither of those harbours has any swinging moorings within them but if we look further afield CMAL is probably the closest example to A&B in having many harbours which have moorings in their area.

Up until this year, CMAL did not license or use those powers to manage any of the moorings in their harbour areas. In a recent Port Marine Safety Code audit, CMAL was told that it was obliged to license the moorings in four harbour areas and they are trying to find a way of doing that which is as straightforward as possible. They don't want to have to do it, they want to focus on running their harbours safely.

The largest Harbour Authority in Scotland with multiple moorings is in the Firth of Clyde, Clydeport, and within that, there are other nested harbour authorities similar to that which we have in Oban. There's the Kings Harbour Master that deals with the Navy dockyards and there are Greenock and many other interests as well. The Clyde has many more moorings than Oban and some years ago Clydeport took the conscious

decision to delegate the management of moorings within their harbour areas to a body called Clyde Moorings Committee. That group basically represents every party, whether it's fishermen's associations, sailing organisations, Marine Scotland, Clydeport itself and commercial operators. The group determines, working with Crown Estate Scotland, every licence application within the Clyde. No charge is made for this, but through working with CES and mutual cooperation and consultation, that's how the moorings are managed in the Clyde.

We have previously suggested, to the Council here, that there is scope for an Oban Moorings Committee including perhaps the Yacht Club, the fisherman and commercial operators who use the North Pier. We first proposed that more than a year ago and the Council said thank you for the suggestion, since when we have heard nothing.

We've had no direct correspondence with the Council relating to Oban in the last 13 months. We've received nothing from them and, to date, we haven't been asked to comment on the revised HRO. However, once the Harbour Order goes through, despite what some people may think, Crown Estate Scotland will still have responsibility to managing the seabed and like everyone else, the Council will still have to get their approval before it can lay anything on the sea bed or do the work on the seabed. So they're going to have to communicate with CES going forward.

My personal concern - many of you will remember this perhaps - goes back to when the OLI Area Committee was first asked to consider the North Pier pontoons, I think in 2015. I attended the Area Committee and asked about the moorings that existed, off the cathedral in that part of the Bay. I was told by the Council Officer. "We'll just remove those, that's a technical detail." When it was pointed out to them that they couldn't just do that because they had no statutory control over that area the tune changed slightly. But it took us two years and it cost the Council a lot of money to relocate the moorings that were going to conflict with the North Pier pontoons. We had to find somewhere else in the harbour to accommodate them. Basically, that's what we do: spatial planning. We have an obligation to make best use of the seabed, to get the best value from it. So we want to see things happen, we don't want to see things taken away.

Changing hats, as I only work for the Crown Estate part time, I also run a charter business down in Ardfern and what I find concerning is that the Council will have the power to remove the moorings that it considers to be a navigation risk or whatever. Hopefully that answers your question.

Chair: Tony, thank you very much. Tony Bennett from the Crown Estate Scotland. I can recall the pontoons very well, and that was a sort of indication of how not to do things. I know my former colleague Elaine Robertson is here and she had many sleepless nights over many years trying to get a simple thing done. We managed to get there in the end.

I'm going to go nuclear now and ask for a comment from Neil McIntyre.

Question: That's very interesting but the problem, for me, is that unless you have the Council officials here, to give their side, and justifying what they're trying to do. I would love them to come along - obviously they would have been invited. We need to considerthe harbour in the whole plans and frame of the town all more or less setting around traffic and what's going to happen. You know, the increase in traffic and it's very important for all aspects of the town. But I want the officers here, I want the paid officials - very well paid officials - to be here. To put their case, hearing us, and let

us ask them questions. Let's have a debate because that's the one thing that's missing for me, them arguing their case and getting ripped apart.

Chair: Ross, could you maybe confirm and help out here: were, officials invited to this meeting this evening?

RW: I can confirm that the relevant Council Officers were invited and one submitted an apology. I can confirm that all members of the OLI Area Committee, the Councillors, were invited and all members of the Harbour Board were invited, but I would advise that the Chair of the Harbour Board, Andrew Kane, is currently very ill, otherwise, I suspect he might be here. But the people you're talking about, all the relevant people were invited to answer questions but not necessarily to make a presentation.

We raised it at the Oban Bay Management Group and we were told by the representative Officer of Argyll & Bute Council, that they could not resource a meeting of this sort. And if you look at the website OBMG minutes, it is there in black and white.

Chair: What about if representatives of OCHDA and Oban Community Council went to them?

RW: We tried to get a meeting with them. It's again minuted in the Oban Bay Management Group minutes. We asked for a workshop with all relevant people to thrash this out before things went too far. That dates back to that March 2023. The answer from the Council officer there, who will remain nameless, was that Argyll & Bute Council could not resource such a meeting. Look at the Oban Bay Management Group meeting minutes.

Chair: The only solution may be for elected Members to demand that an officer attends a meeting; you can ask, but sometimes you've got to demand. At the end of the day they are paid Council officials and I think a meeting like this would actually help them, in some way, and then they would understand the feelings of a group and understand how important this is, not just to Oban, but as I say to the islands, and indeed Argyll as a whole.

The gentleman over there, please.

Speaker: I was just going to say I wonder how many have tried? I have actually phoned up and asked to speak to Scott Reid. I did and had a conversation with him. So I don't see how that they're unapproachable. I'm not disagreeing with anything that's being said tonight I'm just saying that it's very possible to talk to these people if you want to.

Chair: Right. Can I just reiterate then, they were invited here and the group here offered to meet them as well and unfortunately they found they were unable to do so. So the group have done everything possible to try and meet with them. I can understand your point. You can phone up and talk to an individual officer with your individual points but there's nothing better than a meeting like this to get the feeling of what's being said.

Any other questions?

Question: We organise a number of the mass audience events, including the Raft Race in Oban Bay this year, which, as you know was very successful. It concerns us that the Council have stipulated that they will be responsible for all activities in the Bay and have included the raft race in that. Now our concern obviously is will the Council take

over the actual running of the events and? They would sit right on top of many earnings that we made from that which otherwise would go to good causes.

Chair: It's a very good point indeed and without messages of doom and gloom, the Council might turn around and say we can't simply resource this and it's like, you know that that could happen. Because we've, heard constantly, we're under resourced, underfunded and they have to do something extra, which looking after Open Bay is something extra. And they might just say we can't resource it.

FG: If I could just add to that that you mentioned the raft race now, hitherto the raft race has taken place within the confines of the existing N Pier statutory Harbour area that the Council is the statutory undertaker for. So your point about the widening of the area is very true because it focuses the Council's minds into what they can and can't do. But the point is that they have been the statutory Harbour Authority for the North pier since 1896.

Question: We've heard a lot about the disadvantages of the Municipal Port? What would be the advantages of a Trust Port?

RW: Essentially just a bit of history. In 2021 the Harbour Board voted down a Trust Port based on a so-called Independent so-called Options Appraisal, which the Council officers then briefed to the Harbour Board. The Options Appraisal considered only one option, not 3, and essentially said that OCHDA's case was insufficiently developed. They failed to mention that we couldn't develop it any further because the Council refused to cooperate and pass over essential information, namely the cost of renting properties on the North pier to work out of, and also the Council officers convinced the Harbour Board that they would have a Municipal Port up and running before the start of the sailing season 2023, So we now know where we are.

The advantages of a Trust Port which were put clearly to the Harbour Board and are all available on the OCHDA website. There's a whole series of papers that we produced. A Trust Port, in our proposal, would be managed by eight trustees. These trustees would have a balance of skill sets. They would be recruited; the recruitment process is on our website. So we would have eight people who would be recruited to be trustees for three years, re-electable, and the chair of the those trustees would be elected by the trustees themselves. So you would have a group of people who knew what they were doing as opposed to a Harbour Board of Councillors who are essentially lay people. The trustees would appoint a chief executive. That chief executive, again, competitively advertised, recruited with specific skill sets to manage the harbour, so that would be the management structure. The trustees are duty bound to focus solely on this harbour, its interests and the interests of the users of the harbour, they're not distracted by anything else. That's their sole job.

In order for the thing to work, it has to obviously make a profit and any surplus, from the income and expenditure has to go into the harbour undertaking, supporting the activities, be it development, etcetera. The trustees are also duty bound to take a long term view. As a separate thing, no ifs, no buts, and it's all directed by the Scottish Government's document, which I think dates from 2012, which is called Modern Trust Ports for Scotland, and it's clearly laid down how the thing would work. So the finances would be audited like a company limited by guarantee. However, it isn't a company, it's a Trust and it's got all the advantages of being a Trust. There are plenty of examples: Stornoway, Scrabster, Malling just up the way is one, Ullapool's another one. Aberdeen is another one. They're all modern trust ports, and if you look at the Aberdeen Harbour website you will see how it is developing wonderfully. The other advantage is that a

Trust Port can attract funding from different sources, which a Council cannot, so the Trust can bid like anyone else and get funding. It might be a private company, for example, wants to contribute to it. So there are financial advantages, there's management competence advantages and there's also the advantage to Oban harbour. Oban itself, the hinterland of Oban, and, dare I say, the island communities that rely on ferries coming out of Oban.

Questioner: Thank you for that.

Question: You know having transparency is critical and it's for all of us because the current financial planning on what we're being told is that this is just going to be put in amongst the total Council pot and there will be no specific balance sheet for the Harbour. And if you want to see a good example of this, just look at the transit Marina, if you can find the business plan for that and then apply that to what actually is happening right now, I think the financial side of this is very scary. I think we should be very aware, without complete transparency of finance, this could get lost into the whole malaise of Council money.

FG: Adding to the point Ross made about changing the trustees on the Board every three years, that's a pretty fundamental point, in my view, because it ensures that you get new blood and if they're not doing a good job, they get changed. Well, consider that the unelected Council officers who've been involved in making decisions about Oban harbour, have been there in post for the last 20 odd years, making decisions on Oban Harbour and are still there, so there's another benefit of a Trust Port.

Chair: Yes, Sir

Question: As I understand it the North pier, the pontoons, are actually owned by the Council? So, if it became a Trust Port, they would still have had the ability to make charges for use of the pontoons and the North Pier. What's worrying me here, when you read this document, is that they will have the ability to charge what they like. You know, running a small cruise operating as we do, are they going to charge us extra for the moorings on top of our Crown Estate? Are they going to charge us for the passenger (landings) on top of what we get charged now, you know? That's the worry to me, Argyll & Bute Council as I understand it, own those and so they've got the right to charge what they want. Is that not the case?

Chair: They'd own them and could do what they want. Maybe that's something that is absolutely vital that you put into the consultation and ask that question. I don't have to have an answer for you, yes.

Questioner: Sorry, to add to that and it's a very good point. There is a clear conflict of interests in owning the North Pier pontoons, and being able to affect the charges that other marinas and other moorings are charging. I mean that that is just an impossibility, that shouldn't happen. I don't know how we're going to cross that bridge but I just think that's such a clear legal conflict of interest so.

FG: Ross made the point that the Council have been supposedly going to submit their tariff of charges for the Municipal Port, to the OBMG before now and they haven't, and they've now said it's March next year [2024]. That would be a very interesting thing to look at.

On the specific point about pontoon charges, these are by length for use of the facilities so effectively, for relatively small or leisure vessels that use the pontoons. You (small

vessels) are discounted by and large in every statutory authority from paying harbour dues. So we've got to then consider what you pay for berthing alongside a finger pier is entirely different to harbour dues or other berthing dues. For example, at the North pier, that's where it gets a bit confusing. It will be very interesting to see when the Council issue their charges tariff as to how they separate out the various charges. Then it becomes clear what their intentions are, as indeed other authorities do, as indeed CMAL's tariff charges for all their harbours. I don't have a good word to say about CMAL generally, but actually if you go on to their website and click on their tariff of charges for 2023/24, I think it's a very good document. I think they're charges are very fair and they're actually quite clear about what they charge vessels that are under 24 metres not liable for harbour dues and then the bigger tonnage vessels and what they're to pay.

It's a complicated issue, but I think your point about the pontoons are specific charges that apply to all Marinas, and if the Council wanted to raise them as they have. Indeed, if you look at the last Harbour Board meeting they actually approved the charges for next year based on the current tariff and increased them, by 8%. So it will be interesting to see what the tariff is when they introduce it for the new Municipal Port, whenever they do that, because the HRO, as we've heard, may take ages and may go into 2025. So in the end the Harbour Board and the Policy and Resources Committee, may end up approving another set of tariffs charges in April next year.

RW: We specifically asked the question when the Harbour Board is next meeting. There was meant to be a special Harbour Board on Monday coming and we thought that would be to provide financial information so that we, the public, knew what the charges were likely to be to help us decide how we responded to this consultation. That is not happening and Mr Hendry, the governance officer, responded to Phil, yesterday to say the next Harbour Board is scheduled for March [2024], which means that is the earliest currently planned time when the fees and tariffs will be available to us all, i.e. outwith the consultation period which is highly unsatisfactory. Cllr Vennard can you confirm that to be the case that the Harbour Board, have to approve? The tariffs the Council officers cannot do it in isolation. Is that correct? OK. So the earliest we'll probably know, unless they call a special Harbour Board, which they can do at the drop of a the hat, what the tariffs are beyond March 24 is in March 24. Is that correct? (Confirmed by Cllr Vennard) The tariffs beyond March 2024 will not be known until March 2024.

Chair: How it all works out, if we simplify a bit, the Council budget is set in February every year and recommendations will go forward to March. That will be all be dictated by the Council budget, and you're quite a liberty to contact your local Harbour Board Members who are members of Oban, Lorn and the Islands Area Committee not as perhaps Harbour Board members, but as local Councillors. You're entitled to do that, it's not lobbying or anything. All you're doing is raising concerns with them.

Yes, Sir.

Question At the outset of this, the Council said that they had neither the inclination nor the expertise to run the harbour. Are the Council concerned about lost income? This might account for the change of heart.

Chair: You're absolutely correct. What I said earlier on they never had the inclination or the expertise or the resources to run it. But obviously someone's had a good look at it and think my goodness, there's money to be made. And I think that's what it is: it's just down to money.

Elaine, your question?

Question: Cruise ships visiting the Bay just don't know what their charges are going to be. Normally, people make their arrangements well in advance, plans for visits by cruise ships were made a year or two years ago. This doesn't just affect the economy of the Bay but of the whole area. It's absolutely crucial, that we maintain the vibrance of the Bay and the number of boats using the Bay. The question then is where is transparency and reassurance to those using the Bay over the future charges? It's just not there!

Chair: The uncertainty as you said is very concerning, we could end up with 22 cruise ships tied up in Tobermory!

PH: However, the official position is clear: Council officers have submitted reports that state for the vast majority, if not all, harbour users there will be no change. Which is a little bit paradoxical because the whole objective, in terms of improving safety in the Bay would require change. But they've actually written that for most, if not all, harbour users, you won't notice the difference. That doesn't necessarily reassure you, Elaine, but that's the answer that you will get officially from the officers at the moment. They simply say you will not notice the difference - but it will be safer, somehow.

Chair: The only word that's missing from that is "guaranteed". That's a world and you'll never see that in the document. You both need work guaranteed.

Question Thanks very much. There is a feeling within the room that we need to object to this but this is a technical document and for many people it's not easy to draft objections. Is there a simplified version of this or guidance that we can use to help us write an objection or representation.

Chair: I think I might ask this gentleman.

PH: Yes, absolutely. On your chair you have a paper, 6 pages labelled Statement of Support. This is not our creative writing, this is the direct 'lift' from the Council's own document and it is intended to be an aid to consultation. It lays out, really quite succinctly, without all the complicated language, what the various articles are, what the powers are and what the Council will be able to do. It's relatively easy for you to look through the left hand column of this document and you can see what the issue is. So if you want to make an objection about, let's say, the arrangements for moorings, it's quite straightforward. Look at Article 16, it says what the wording is and that gives you information on what you might object to.

You will have to be creative in terms of what you think of that, because clearly this is a one-sided document, it's supposed to give you an idea what the implications would be of each of those powers but it seems a bit thin on the implication. We've made it as easy as we can.

If we write anything in any more detail, there is a risk that people will borrow ideas from one person, copy them around and you end up with 100 statements that say exactly the same thing, at which point the Council might feel that there was some sort of conspiracy, and that might not command the same weight as your individual response.

Use that document. Look at the article. Some of it is quite obscure and technical, but the stuff about moorings, the stuff about consultation, that's pretty straightforward, the things you're most directly going to be affected by. Base it on what's in that document? If you need any further information, there is a great deal of information

available on the OCHDA website (www.OCHDA.scot). Get hold of us through that. If you're not a member of OCHDA now, become a member and ask this question do. Our task is to try and help make the right decisions as quickly as we can. The last thing we want to do is rush and make a mess of it.

Speaker: You can also see initial concerns that have been highlighted by OCHDA on the reverse of the flyer on your chairs.

Chair: My concern is that I find it complicated, but I find forms complicated and I do find it complicated and I also find the timing of it completely the wrong time to do this at this time of year and that worries me that will not get a true representation from the general public. Into this very, very important position.

Finlo Cottier (FC)

I represent the Royal Yachting Association Scotland, the governing body for sailing and boating in Scotland. The organisation (RYA) also has a base in Camborne and they cover the whole of the UK. What we've done is submitted the HRO to the legal team down there. They have quite significant expertise as they look at these sorts of documents day in, day out and they've picked through this and identified quite a number of drafting errors and details that they would like to see revised.

So that's a a technical response to the consultation that we can provide. But what the legal team of the RYA won't be able to do is the community response to community impact that some of these clauses bring with them. RYA Scotland will be submitting that technical response, that technical legal response. We'll also try and make some representation for what the community is saying and part of our role is to represent sailing boat and community members so we can make some of that more softer representation as well. But the legal work is being done down in Camborne.

Chair: So if there are some challenges to the draft that they put out at the moment, would the legal response be able to either halt the consultation or extend it purely on the case of that, what we've already to consult on isn't correct?

FC: I don't think that could halt it but certainly in that sort of game of consultation tennis that was described by Phil earlier that's probably where it will come in where we will make a challenge on some of the drafting. They'll have to respond and depending on what that response looks like, we would then challenge again. Yeah. I think it whole consultation.

PH: Just to add to Finlo's point, in addition OCHDA have marine legal experts who we have engaged through your support. We actually had a meeting with them yesterday and they are on the case. They're studying the HRO as well with that sort of Community focus that Finlo was talking about and a very much more local view. They will be advising us as to how we should present our collective representations and of course, we will make that information as available as soon as we can. It will be late because, of course, by choosing this period for consultation, it makes it very difficult for legal advisors to pay attention to it at this time. However, we will provide that information to the members of OCHDA as quickly as we can to help you with drafting any, any submissions that you want to make.

TB: I would just build on what Finlo said. The people at Transport Scotland will have to take note of technical responses from RYA etc but it's the voice of the collective that will carry significant weight and I was impressed that earlier on when Robert asked the question how many of you have a mooring and the amount of hands that went up. One

thing I forgot to say earlier is that once the Harbour Revision order is passed this harbour will have the highest number of moorings within it of anywhere in Scotland other than the Firth of Clyde.

From Crown Estate Scotland's point of view, we've got three principal concerns as we demonstrated with the North Pier pontoons. First and foremost it's about our existing tenants. Nobody knows what is going to happen to mooring owners on the day that this Harbour Revision Order becomes statute. If you take it literally than everybody could be in breach of the law. So as a mooring owner I would be asking what will happen to me, because it's not clear in the documentation what's going to happen.

Our second concern is to do the fact that the licensing will be on an annual basis. The Crown Estate mooring agreements you get given for the seabed are open-ended (indefinite) and Marine Scotland have recently changed from 6 years to 25 years. If you have a mooring outside the harbour you don't have to fill in any paperwork for 25 years other than to write the cheque once a year, but within Oban you'll need to go through an annual licensing process according to the Council's proposal.

The third concern is meaningful representation from stakeholders. There are almost 300 moorings licensed on the seabed at the moment in the harbour area. That's an awful lot of people and yet under the proposals, there is no meaningful input for those people into the running of the harbour going forward.

Those are our principal concerns but it's up to you as members of the Community that use the harbour to have your say. It doesn't need to be technical, make it simple and they will understand. It's what they do, week in, week out.

Chair: Thanks. Another question.

Question: It feels as if the horse has maybe bolted and I'm trying to slam the door here, but what I'm interested in what the panel thinks in the current circumstances is the best outcome here? What's possible? Is it a *fait accompli*?

Chair: I don't think so. I really do think it depends on the strength of the consultation. I mean you can ignore things, but there are some things you can't ignore and I think the strength of the Community consultation will go a long long way to maybe them having another look at this or maybe just say binning the whole thing altogether, but I'll be interested in what the panel think; what the outcome we would want as an outcome. You're 100% correct. There's no point in us wasting our time if we think well we just have to put up with it, but we don't have to give up yet, anyway, because the consultation is still very much live.

PH: If there was one single outcome that would give me the greatest hope for the future it would be that the Council accepted that they write into the Harbour Order an enduring, clear commitment to proper consultation directly with the Harbour Board, so that decision making over everything, whether it's the running of the Raft Race or the Clipper fleet coming in in a few years time, or moorings should all be the subject of effective consultation and that would be, if you like the one thing that would start me feeling a little bit more relaxed because everything floats from getting that proper consultation in place.

I would also dearly want to see, and I think we will very much go into battle for all of these issues, but the other ones that scream out are moorings and I don't need to add anything to what's already been said about the moorings.

The openness of the finance is absolutely essential, we must have compliance with the 1964 Harbours Act because we want to know whether the harbour is making money or losing money. If it's losing money, then we, as Council taxpayers, are paying for it. If it's making money, we want to see that and then at least through the consultation mechanisms, we can argue about where that money should be spent. Without that consultation, we are frankly, if you'll pardon the expression holed below the water line.

The next priority we have to fight for is to keep Ardentrive Bay out of this whole harbour area. There is no logical reason for including Ardentrive Bay within the area at all. It doesn't cause traffic problems, it's a successful business that stands on its own and it has moorings that are not part of Kerrera Marina, but they are out of the way, and they don't interfere with anybody. There is no earthly reason why that should fall into the control of the new Harbour Authority. It makes no sense at all unless there is some other motive about which we know about as much as we know about everything. I think for me, generally, consultation, consultation, consultation. If the mechanism is there, if you mooring owners, if sailing club members, if the small cruise ships who use the harbour so regularly, the businesses on the land, the folk in the islands who depend on us or depend on the ferries that are operating in and out of the harbour know that their voice is going to be heard - if that was here, if that was in (the HRO) - then I think we'd all feel an awful lot better.

Question: Why would that make any difference?

PH: Because if it's in statute and if the commitment is sufficiently clear and properly worded by our legal advisors, then if the Council fails to do that - the last meeting of the Harbour User group in Oban was 2017, so it's quite clear how well Argyll and Bute regard the idea of consultation with harbour users, let alone stakeholders - but if it's written into statute, then we at least have a lever, we have some grounds that we might be able to build towards, making sure that they become compliant. It would also present a difficulty for their regular audits for PMSC compliance if they're clearly not complying with their own Harbour Order. It's not enough on its own but, without it, everything else becomes actually more difficult.

RW: Phil is absolutely right in representing OCHDA and, I suspect, Oban Community Council as well. But as a second order issue, it's this business of the land jurisdiction boundaries because in order to do the accounts you need to know what part of the land belongs to the Council. It's also of interest to water users, whether their slip is in the statutory harbour authority or is not. At the moment it's a bit muddled at the North pier and it's certainly muddled at Port Beag and possibly the South pier; that needs to be clarified. The only way you can produce a set of accounts for the statutory harbour authority is to include the operational land as well and at the moment that is not defined. That's a 2nd order point, the 1st order was the points that Phil's already made.

Chair: So, just basically summing up. I'm sure you'll agree with me, this has been a very helpful and informative meeting. I've personally have found out a lot more.

I think it's vitally important that as many people as possible reply to this consultation and try and stick together. You know, do your individual consultations, but all with the one aim, as I said at the start. This group, don't want to run the harbour, but they want the harbour to be run properly. I think the Council all of a sudden have woken up and

thought to themselves, "My goodness, there's a lot of money to be made here!" and I really do think that because, back when I was involved, they weren't bothered about the harbour in Oban they just let it tick along. The consultation, in my opinion, it's the wrong time of year. It's unfair to ask people to do this at this time of year and all I would ask the floor, do you want to ask for an extension? That's probably highly unlikely (to be granted), but I think the fact that you asked for it shows the fact that it's at the wrong time of year. Can I just get a response to that: do you think we should ask for an extension to the consultation? (General voices of agreement) You have the instructions from the assembled people here.

PH: A point I should have made earlier. It would help if those of you who choose to make representations would send a copy of your representation to us. Transport Scotland have an option within their management system or their structural system for publishing all this stuff on the Internet, but we were advised the day before yesterday that they do not intend to put submissions onto the Internet in the case of Oban. No reason was given but it would help us get a feel for who is objecting and on what grounds. Not that we would want to circulate or pirate anybody's contributions, but simply to give us a sense of who's objecting to what. Because when the conversations continue in the New Year, the more information we've got, the better. Send your submission, if you would, to us at info@ochda.scot. If anybody wants to check back with me at the end please do but let us know what you're thinking of doing. Please come to us and ask us for help, advice and encouragement.

Chair: Very helpful indeed, and it lets us keep an eye on Transport Scotland in case they miss anything.

Final point. (Unknown speaker)

It's my experience in objecting with the Council is the first thing you go to the top of your letter is "I object" because it then gets put in your particular box. You don't want the Council to have to read through to see that this is an objection. I'm slightly unusual and since I've got two moorings, I actually have a jetty and listening to the discussion tonight I just fear what the Council could do. as far as my access to the jetty is concerned. I have been sailing around Oban since 1947. I've got a Crown Estate lease for two moorings and I hate to think what the Council will do as they come along. They look at me, they could close it down and spoil my freedom which I have enjoyed for the last 75 years.

Chair: Very good point as well. So you can see the final slide up there and I'd like you to join with me and thank all the gentlemen up here who put this neatly together and brought this awareness forward, and I'm in a better position now and I'm sure you are in a better position as well to take something forward and objecting or feeding into the consultation. I also would like to thank Councillor Vennard for being here. I'm sure he's got a raft of information to take back to his colleagues and he's left in no uncertain terms regarding the feeling of the community. So thank you all very much and safe journey.

Phil Hamerton, OCHDA Communications Officer (1/1/24)
Contact: info@ochda.scot or 07774790096