

**OBAN HARBOUR REVISION ORDER - Clarification for Noting**

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**1.0 INTRODUCTION**

- 1.1 This report is to clarify comments made in the earlier reports of 31 August 2023 and 31 January 2024 to the Harbour Board as noted herein.

**2.0 RECOMMENDATIONS**

It is recommended that the Harbour Board:

- 2.1 Note the update provided in this report.

**3.0 DETAIL**

- 3.1 In the report to the Harbour Board of 31 August 2023 it was stated at paragraph 3.2 5: *'We have received representation from Oban Community Harbour Development Association (OCHDA) and Oban Community Council for these groups to carry out the consultation on behalf of the Council.'*
- 3.2 In the report to the Harbour Board on 31 January 2024 it was stated at paragraph 3.3 *'the representations referred to were not made by OCHDA but were received from parliamentarians which included references to views expressed by OCHDA and Oban Community Council regarding the Council's consultation arrangements. While the statement was made in reference to the consultation process, it was not a material factor put to members in their consideration of progressing with the consultation itself.'*
- 3.3 An agent for both OCHDA and Oban Community Council raised a complaint with the Council regarding the accuracy of both of those statements and a stage 2 complaint investigation was undertaken.

In responding to the complaint the Council accepted that whilst the corrective statement in the report was considered as being clear in its terms, it was considered that it would be helpful in stating that there had been no suggestion in any of the representations that OCHDA or OCC should carry out the HRO consultation on behalf of the Council.

- 3.4 It was agreed that a further clarification on these statements would be provided to the Harbour Board in the following terms *'there had been no suggestion in any of the representations from OCHDA or OCC or those from parliamentarians referred to in the reports to the Harbour Board on 31 August 2023 and 31 January 2024 respectively that OCHDA or OCC should*

*carry out the HRO consultation on behalf of the Council,'*

- 3.5 Having regard to the outcome of the stage 2 complaint investigation it was considered appropriate to make members aware of that and for that matter to be clarified.

#### **4.0 CONCLUSION**

- 4.1 This report is to clarify comments made in the earlier reports of 31 August 2023 and 31 January 2024 to the Harbour Board as noted herein.

#### **5.0 IMPLICATIONS**

- 5.1 Policy – The Harbour Board agreed in December 2021 that the Council should proceed to make the arrangements to formally manage the unmanaged section of Oban Bay.
- 5.2 Financial – No financial implications at this stage, all costs have been met through existing budgets and the Municipal Harbour will have fees and charges through conservancy charges etc. which will cover the operating costs.
- 5.3 Legal – the HRO process is a formal legal process set out in the 1964 Harbours Act.
- 5.4 HR – HR implications will be identified as the proposal progresses.
- 5.5 Fairer Scotland Duty:
- 5.5.1 Equalities – None known.
- 5.5.2 Socio-economic Duty – None known.
- 5.5.3 Islands – consultation will be carried out with the island communities as a continuation and expansion of the Options Appraisal Process reported to the December harbour Board.
- 5.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise.
- 5.7 Risk - The Council progressing to become a Municipal Port Authority for the unmanaged areas of Oban Bay increases the safety within Oban Bay. There is a risk that there could be a number of objections and representations during the process which could impact on timescale and these will be considered as and when they arise.
- 5.8 Customer Service – Improved and safer environment for all users.
- 5.9 The Rights of the Child (UNCRC) – None known.

**Kirsty Flanagan**, Executive Director with responsibility for Roads and Infrastructure

**Policy Lead for Roads and Transport**, Councillor Andrew Kain

29 February 2024

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